

6/02/2009

Minutes of a Town of Riverhead Board meeting held by the town board of the Town of Riverhead at Riverhead Town Hall, Howell Avenue, Riverhead, New York on Tuesday, June 2, 2009 at 2:00 p.m.

**PRESENT:**

Philip Cardinale,	Supervisor
John Dunleavy,	Councilman
Barbara Blass,	Councilwoman
James Wooten,	Councilman

**ALSO PRESENT:**

Diane M. Wilhelm,	Town Clerk
Dawn Thomas,	Town Attorney

Supervisor Cardinale: "Okay, this is the June 2<sup>nd</sup> town board meeting. We'll begin with the Pledge of Allegiance and Diane Wilhelm our town clerk will lead us."

(The Pledge of Allegiance was recited led by Diane Wilhelm.)

Supervisor Cardinale: "Okay. We have some minutes to approve from the May 19<sup>th</sup> meeting. Somebody offer it please."

Councilman Dunleavy: "I offer the minutes of the May 19<sup>th</sup> meeting."

Councilman Wooten: "I'll second."

Supervisor Cardinale: "Moved and seconded by Mr. Wooten. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The minutes are approved."

Supervisor Cardinale: "Okay. Would you tell us about applications, notices, reports and correspondence, please?"

**APPLICATIONS:**

Fireworks permit  
application for Business  
Improvement District, July  
4, 2009 at Grangebél Park

6/02/2009

Fireworks permit  
application for Riverhead  
Raceway, July 4, 2009 and  
August 22, 2009

Fireworks permit  
application for Rose Mary  
Saposnick Memorial, July 4,  
2009 at Martha Clara Vine-  
yards, Jamesport

**FIRE DEPARTMENT NOTICES**

Jamesport Fire  
District special election  
June 30,  
2009

**REPORTS:**

Tax Receiver  
Total tax collection dated  
May 20, 2009 -  
\$70,167,958.06

Total tax collection dated  
May 27, 2009-  
\$93,409,512.10

Water District  
2008 annual water supply  
statement/consumer  
confidence report and  
supplemental data

**CORRESPONDENCE:**

Group for the East End  
letter regarding special  
permit application of John  
and Sandy Reeve

Diane Wilhelm: "And as a reminder, the next town board  
meeting will be Tuesday, June 16<sup>th</sup> at 7:00 here in town hall."

Supervisor Cardinale: "Thank you."

Diane Wilhelm: "And that's it."

6/02/2009

Supervisor Cardinale: "Okay. Bill, do we have a town attorney coming in? I know it's a distance. Yeah, down the hall.

Okay. We have four hearings-- "

Councilman Dunleavy: "Can I just say something?"

Supervisor Cardinale: "Yes, please."

Councilman Dunleavy: "I just want to say our sanitation department, we held a STOP program on May 30<sup>th</sup> and for some people who don't know what we collect there, we collected 51 55 gallon drums of various pollutants; 40 car batteries; 12 pallets, boxes of electronic equipment; 30 yard roll off of latex paint; and 480 gallons clean waste oil.

And I think our STOP program does a great job and I want to commend the sanitation department."

Supervisor Cardinale: "Thank you, John. Any other announcements or reports?"

If not, Dawn Thomas our town attorney is with us and we are about to start the first of four hearings."

Public hearing opened: 2:05 p.m.

Supervisor Cardinale: "2:05 for consideration of a local law to amend chapter 101 entitled Vehicles and Traffic Section 101-3 entitled stop and yield intersections; railroad crossings; parking fields of the Riverhead town code.

And this has to do with stop signs suggested for the Riverside Drive, 1270 linear feet from Route 25; and 4,000 linear feet from County Road 105. That's at that troublesome bend in the road.

Anyone have a comment they would like to make on this? The hearing is open. Thank you, sir. Please come up."

Matthew Dinizio: "Matthew Dinizio, 146 Riverside Drive on the inside of the bend of that intersection.

I just want to voice opposition to the stop sign. I believe (inaudible)-- numerous letters have been sent in explaining why the stop signs aren't desired.

But I would like to request that you would consider putting the double yellow line through the curve so that traffic will know which lane to be in. A lot of traffic is cutting across. And fixing the curb on the inside of that bend to make it safe for pedestrians."

6/02/2009

Supervisor Cardinale: "Okay. On the second point, a double yellow line is obviously a good idea, it's (inaudible) out now, but when you said fixing the curb, could you tell me exactly what you mean?"

Matthew Dinizio: "The curb on the inside of that bend is just a few inches tall. It's been patched several times with asphalt and a lot of traffic cuts across it with their tires actually going up on the sidewalk."

Supervisor Cardinale: "So replacing it."

Matthew Dinizio: "Yes. And making it a substantially taller-- that is an area for children pick up for school."

Councilwoman Blass: "Is that in both directions or when you say inside, is in both directions? I mean each side has an inside--"

Councilman Wooten: "There is no curb-- "

Matthew Dinizio: "The sidewalk is on only one side of the road-- "

Councilwoman Blass: "I just-- "

Matthew Dinizio: "-- in that area. Yeah. And it's a high traffic side (inaudible). The neighbors use it quite a bit."

Supervisor Cardinale: "Okay. And could you-- just for the record indicate some of the reasons why you do not think a stop sign would be helpful."

Matthew Dinizio: "The environmental impact, the impact numerous studies have about-- by placing stop signs on bends or in areas controlled speeds. People actually make up the time further down the road. I think the high rate of speed is usually being encountered by the Moose Lodge in that general area where there are no sidewalks. There are children in the area and handicapped children in the area. I think those are areas that need to be looked at closer.

Every accident on the 90 degree bend that I'm aware of and I've been there for a little over 10 years, has involved a drunk driver and a stop sign simply is not going to stop a drunk driver from going off the roadway."

Supervisor Cardinale: "All right. So we had-- I had at least understood that when they come to that curve, if they're not going a

6/02/2009

proper speed that they skid, not necessarily because they're drunk but because they're going too fast. And the thought of the board was that if you put a stop sign there, those that might be tempted to round it 25 instead of 15 or whatever, are not going to have the option. They're going to have to stop."

Matthew Dinizio: "That would be true although recent studies I've read, it just simply the stop signs aren't going to compensate for people going out of the roadway. They're going to roll through the sign. It may slow them down temporarily in the spot but they're going to make up the speed further down the road. And there are numerous studies that very easily you can find on Google that cite these.

Stop signs I believe are usually used for intersections of roadways where this is just a simple bend in the roadway unless that road to the marina is to be considered a roadway. And I believe then the stop sign should be placed on the slower traffic of the two roads.

I live there. I'm on the front lawn all the time, I see what happens and the majority of the skidding and problems is people are in a rush in our society and they're crossing over into oncoming traffic because they can't see through the bend.

I just don't think a stop sign would add to that. I think it will increase the noise pollution in the neighborhood exponentially. We already have quite a bit of noise since the high traffic."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "I should point out I would like to take other comments from anyone that would like to make them. I'll also leave it open for written comment for 10 days.

But the stop sign which we're hearing today is part of an effort to address safety and congestion problems that have come to our attention and the options we're looking at include everything, including no left turn, cul de sac, back to back, one way street, stop signs, speed enforcement including weight enforcement and electronic signs, right turn only at Route 25, speed bumps, realignment of the road, relining of the road with double yellow lines, until we get something that works.

Go ahead, please."

Pamela Hoegroeff: "Pamela Hoegroeff, 129 Riverside Drive. There are a lot of people that couldn't be here because of a work day so I have a couple letters from them.

6/02/2009

One is from Robert (inaudible) and Donna Dorasko (phonetic), who are the people who have been hit most out of all the neighbors. They write:

The town of Riverhead should acquire a copy of manual on uniform traffic control studies or MUTCD published by the US Department of Transportation.

Stop signs are not warranted in the manual on uniform traffic control devices as an effective measure to reduce speeding. Research indicates as with any traffic control device overuse of stop signs will cause many drivers to ignore them, creating a more hazardous situation especially in residential neighborhoods.

Because a stop sign causes a substantial inconvenience to motorists, it should be used only where needed. Studies have shown that sometimes after installing a stop sign, there is an increase in rear end collisions.

Also the stop sign may cause such an inconvenience that traffic detours through other residential streets, parking lots, etc.

A little known fact is that the stop and go traffic resulting from the placement of stop signs will increase carbon dioxide emissions thereby further impacting the air quality in the area. There is a noticeable noise increase in the vicinity of an intersection from acceleration and braking.

Additionally, deceleration, idling and acceleration of vehicles increases fuel consumption.

In summary, a stop sign is used to assign right of way at an intersection and it is not an effective means to control speeding. Research shows that where stop signs are installed as deterrents or speed breakers, there are high incidences of intentional violations resulting in accidents.

With the installation of stop signs at the bend of Riverside Drive on Riverside Drive, we are increasing noise, increasing pollution, and increasing the potential for rear end collisions.

Chief of police and safety committee member David Hegermiller stated that the safety committee meeting on April 7<sup>th</sup> that stop signs increase accidents. Then they go, stop the rhetoric and delays. I say to a certain faction on the board, stop signs are a quick fix to a serious safety and traffic congestion problem.

To Supervisor Cardinale and George Woodson, I say go, have a second cup of coffee and think this matter over carefully.

6/02/2009

This next one is from Jeffrey Freeman (phonetic) who resides at my house, 129 Riverside Drive.

Dear Supervisor Cardinale and Council Members of the Town Board:

We have lived at 129 Riverside Drive for 10 years. During that time, we have experienced a substantial increase in traffic volume that grows each year.

I am a registered architect in New York State and have been an urban development consultant for 40 years practicing mainly in New York State.

I do not think that the installation of stop signs at the right angle bend on Riverside Drive will solve the underlying problems. Indeed I believe it will add to them.

There are three main traffic issues that threaten the quality of life for the residents - the growing volume of traffic causing noise and air pollution, the excessive speed of traffic, and the accidents at or near the right angle bend.

The growing volume of traffic is caused by through traffic using Riverside Drive as a connector road, that is to say a road which connects the highway 105 to Main Street.

Some years ago the county engineers in their wisdom spent millions of dollars to build on and off ramps from 105 via Hubbard Avenue as a connector road to Main Street. The reason traffic engineers and planners spent public money on ramps and connector roads is to organize and manage growth and traffic.

The town board must acknowledge the value of planning and traffic flow design and not allow a happenstance traffic flow of convenience to threaten the safety of residents, downgrade the quality of life and diminish real estate property values.

Deteriorating real estate values cut into the town's tax base and the town's income.

We do not need a study to watch the decrease in real estate values on Riverside Drive due to high traffic volume and the subsequent increase in investor owned properties, absentee landlords.

Just count the cars in the driveways, six to eight cars equals a dormitory property.

6/02/2009

A solution must be found. In some sense it embodies the future residential quality of life and real estate values in Riverhead downtown. Let's not settle for second best.

If making Riverside Drive into a cul de sac is not possible, then stopping the left turn traffic from County Road 105 into Riverside Drive could be a practical solution. Such a change will not be easy since it requires the town of Riverhead to work closely with the County to get it done.

But with some determination, I am sure we can succeed.

And, lastly, I've spoken to many others along Riverside Drive who could not be here today. Those that I have spoken to are not in support of the proposed stop signs for the various reasons I described earlier.

One of the things that was brought up was that traffic studies would have to be done and I was very curious so I did my own. I actually brought in John (inaudible) and he sat on one side and I sat on the other and we counted cars. And we didn't cheat. I didn't count bicycles, I didn't count pedestrians. I only counted motorized vehicles.

On Wednesday, May 20<sup>th</sup>, pre-holiday time, from four to five-thirty, John and I counted cars. He took the north side heading onto Riverside Drive; I counted the south. I saved these figures from the November 5- I would like to compare these numbers with the study done on November 5, '08 or was it November 1- November 1, sorry.

On May 20<sup>th</sup>, from four to five-thirty, 90 minutes, there were a total of 626 cars or seven cars every minute or one car every eight seconds. In November, the figures for 120 minutes, that's 30 minutes more, were 431 cars. If you take those figures, you have an increase of traffic, adding the additional minutes of 92% in three and a half years.

Taking this into consideration, by November of 2012, three and a half years from now, we could have 1,202 cars in that 90 minute period or one car every two seconds. I would like to grieve my taxes now please.

In addition to the 90 degree turn, we have another equally disturbing problem. That is the intersection of Main and Riverside which grows increasingly as disturbing. We have the usual busy street, added to it we have the angled intersection of Fischel which is difficult to see, particularly because of the railway gate.

And additionally we have numerous pedestrians walking across there.

6/02/2009

I met with the traffic committee for over a year and I am standing here today after a year plus to talk about a stop sign. That's not going to help. It will exacerbate a bad problem.

We are- I'm tired and I'm tired of fighting and I suppose on some level that's probably what we'd all like to hear so we just quietly go away. We don't have to do anything. But it's not fair to the rest of the town. It's not fair to us, it's not fair to the rest of the town.

Quite frankly, Fischel, Newton, Fischel Extension and even Elton are getting also beat up by that. It's not acceptable and I am hoping that we can truly work to find another resolution and perhaps the no left turn onto Riverside Drive will alleviate the 90 degree problem because it is almost always- any accidents almost always from that side and, two, it will alleviate the mess at Main Street and protect numerous neighborhoods in the making.

I will go to the county and fight and work hard. We had spoken to Legislator Romaine. He was for- he did say he would make a resolution for that. That's what I hope we do.

Don't put a stop sign there. Please don't put a stop sign there. It will make life much worse than it already is."

Supervisor Cardinale: "Thank you. Do we have any other comment that anyone would like to make? Come up, please. Anyone who wants to make comment, come to the microphone."

John Rather: "Hello, John Rather, 264 Riverside Drive. The legal opinion that you got from Attorney General Koppel in 1994, does that have- I wonder, am I allowed to ask you questions or only make a statement?"

Supervisor Cardinale: "It's probably helpful, you can ask the question, I probably can't answer it until I talk with legal. So if you have a legal question, just ask it and I'll ask the town attorney to get you an answer."

John Rather: "Well, I'm just going to assume that if you thought that a cul de sac was illegal, you wouldn't want to do anything illegal."

Supervisor Cardinale: "Yeah. Well, we can't, but that's correct, yeah."

John Rather: "Okay. Well, then I don't understand why you don't enforce what's already on the books and that's specifically the weight limit on Riverside Drive.

6/02/2009

I was doing some yard work and I saw the number of trucks that go by there and I've known they've been going by there for years. I see them all the time. They're definitely over the five ton weight limit and I spoke to you, Phil, at the meeting that we had and I asked you if you would do something about that.

I did want to ask the question. Did you have a chance to ask the police department if they would please issue warnings, not tickets, warnings to trucks over the limit going through Riverside Drive so that you could begin to address that problem which is part of the problem we have."

Supervisor Cardinale: "Yeah. I think that is a good idea. I did have Trina request that they enforce for weight limits on Riverside. The chief is here so if it doesn't trickle down, Chief, we would like to enforce. I don't want to tell you what to warn them and what to— but he doesn't want to be blamed for 44 tickets on the same day but maybe a day of warning or two and then start enforcing but we don't want trucks over five tons, that's what the sign says. Yeah."

John Rather: "Well, that would be wonderful if you do enforce that and, again, with warnings. That's true. I wouldn't want people to get tickets. It would be a shock to them.

They go through with a sense of entitlement. They're used to doing it. They would be shocked to be told that they couldn't do that and yet it's a flagrant violation of the law."

Supervisor Cardinale: "Is there a sign there?"

John Rather: "Yes."

Supervisor Cardinale: "Well I'm not too worried about their shock then because when I'm speeding and I'm speeding right by a speeding sign, I shouldn't be shocked. It if says five tons— not greater than five ton trucks, then they shouldn't be there. So give them a ticket on me. It's okay.

And I would like to get that enforce. That's one of the things that I listed when I mentioned options.

I also think a left hand turn has potential but I'm a little worried about access for— what did they do, if anybody knows, you may know, John. What did they do when you told me at one point there was no left hand turn there. Is that correct?"

John Rather: "What I probably was trying to tell you, that was in March of 2003, the county made a proposal to eliminate the

6/02/2009

left hand turn into Riverside Drive from— coming across the bridge. And they— here, and I'll give this to you. This is a copy of the public informational sheet that they handed out and they listed three alternatives for addressing the problem.

They put it in terms of visibility and accidents at the intersection of 105 and Riverside Drive. So they had three alternatives: one was to install a traffic light; another was to eliminate the vertical curve north of Riverside Drive; the third was to eliminate the movements that are impacted by the lack of visibility which is to eliminate the turn.

And they chose the third alternative and what I'm going to give you here will show the schematic that they produced, a very detailed engineering drawing of how they would have eliminated that turn. So they were all set to do that but for some reason it didn't happen.

Instead there was a traffic light. I personally think that traffic light just tells people that this is a way you can go to get somewhere. I think the traffic has gotten worse since the traffic light and I don't think the traffic light has made the road any safer.

And then you have this terrible situation. You're coming out of Riverside Drive and somebody is coming out of the county park and you want to turn this way and go north, they want to go over the bridge. Now which way are they going to go passed you? Are they going to let you go this way like you think they might or are they going to want to cut this way? You never know. People just don't know. So you have a continuing safety problem at that end of the road if you follow what I'm saying.

You'd know if you went up there trying to make a left turn and you're facing somebody and they want to go right— they want to go left also and you don't quite know what they're going to do.

And then on the other side, you have this other flagrantly unsafe situation of people coming out of Riverside, zig-zagging across the railroad tracks and then going up Fischel or the other street over there. So you really have a serious problem here.

I hope you look at the cul de sac. Frankly, the stop sign, I know you view that as a sort of intermediary step to possibly doing something else. It would really be sad if that's all that you did. It's a bad idea.

It's just what I was afraid you might propose for where I live. I already have a stop sign on one side but it's a dead end street so there's not too much traffic. But I'm familiar with that sound of the traffic coming— slowing down and then speeding up again.

6/02/2009

And to me it's just an annoyance problem more than anything else and I know that my neighbors gave legal reasons, good factual reasons why it wasn't a good idea. But it's basically not going to solve the problem and create new problems and I hope you don't do that at the curve.

I realize you think it would address an unsafe situation and I can't say that that's entirely wrong.

But I want to just ask you this question. Are you going to do a traffic study?"

Supervisor Cardinale: "Are we going to do a traffic study?"

John Rather: "Yes."

Supervisor Cardinale: "I believe we are. I think we've authorized the— we want to find out what the traffic study is going to cost. We've asked the town attorney to find that out, Mr. McCormick, and if we're going to use any of the alternatives of no left turn, cul de sac, speed bumps, realignment, they would require studies.

I had him give me a list of what we have to do a study before we did. One of the few things we don't have to do a study before we do is a stop sign and, you're right, that was thought of as an interim. But certainly if it's going to cause more problems than it solves, I have no interest in doing that."

John Rather: "Well, it seems sad that the people have been so involved in trying to find a solution to this problem are the very people that are going to get a stop sign in front of their house."

Supervisor Cardinale: "Yeah, right."

John Rather: "And will be driven mad by it. That would not encourage you to come forward.

I know it must seem to you that on Riverside Drive there's a lot of trouble for you and people coming and talking to you all the time. But we do have a serious problem and it's a very complex problem. It's hard to figure out when 105 was built exactly what they had in mind for 105 and I'm sorry for Riverside Drive. It was probably a very unimportant issue for them and as you know 105 is like the Long Island Expressway.

It was meant to attach to the expressway at the terminus that was never built, thank God. And on the other end, it was supposed to go over to County road, I think it's 111, through the pine

6/02/2009

barrens. That was finally taken out of the county's master plan, not until the 1980's. So it's a vastly over-engineered road and it's just entirely inappropriate that it has this turn into Riverside Drive. It's not an engineered turn like Hubbard Avenue has.

I know Hubbard Avenue thinks it's very unfair and they're very alarmed that Riverside Drive would want to do something to dump traffic on them. And they have a right to feel that way. Maybe they would like to share the traffic with us. They can have the traffic coming in. We'll inevitably get it going out.

If after you don't do the cul de sac and, frankly, I'll be surprised if you do the cul de sac. I don't think you're going to go ahead with that just reading the way that you seem to be going.

But if you then will please give us a resolution supporting the no left turn off of Riverside— off of 105 into Riverside Drive, that would do something for us. And then if you enforce the truck weight limit, if you really enforced it.

If you maybe put up a new sign that said no thru trucking, we realize there's some trucks that have to be there and maybe on our part we can talk to the Moose Lodge and ask they if they will consider having some of their trucks come in from 105 instead of through the neighborhood. Of course, some people will still have to put up with that noise.

It's a really tough problem because what you do good for one set of people, you do bad to another. It's going to be a difficult balance for you. But I don't think a stop sign is going to get you very far.

So just to stay with the subject of your hearing. If you contemplate doing the traffic study, you ought to hold off on the stop sign until you get a bigger picture.

And, Phil, I don't know why you mentioned speed bumps and all of those unnecessary things. Nobody wants speed bumps. Same problem as a stop sign has and some of those others that you mentioned on the list.

I think what you want is a traffic flow study and you need to begin to look at how are you going to protect the interior streets of Riverhead, not just Riverside Drive, but Hubbard Avenue, Fischel Avenue and all the others that are being torn apart because of the lack of planning in allowing this massive development on 58 and creating the situation where everyone is filtering through the streets of Riverhead, through the places where your taxpayers live

6/02/2009

and finding that as a short cut because they don't want to stay on the main road.

You have to find a way to make them stay on the main road, that's 105 to 25 or 24, is it, down to the traffic circle. That's where they're supposed to be. That's where the roads are that are designed for that.

And you really have to look at the bigger picture. I'm sure it's expensive to do a traffic study. I think that's why you haven't done one because you spoke about that, Mr. Dunleavy, more than a year ago."

Councilman Dunleavy: "Yes."

John Rather: "And it never happened. So there must be resistance to the idea of spending the money to do that.

Maybe you can make it bigger than Riverside Drive so that it can take a look at Hubbard, too, and see what they need. We don't want to do anything bad to Hubbard but we don't want Hubbard to tell us that we have to take the full load because they don't want it. Well, of course, they don't want it but fair is fair.

So at least if you eliminate that left hand turn from 105 we get half, they get half, and if you do it right and make it a little discouraging, I'm sorry to run on. You could do so many things at the intersection of Riverside Drive and 105.

You could put a sign that said no right turn on red because everybody zips right up there. God help you if you're turning left and you block those people behind you who want to go right. They don't like that. They're used to going straight up to that light and going right out into 105.

If you put a sign there, of course people will say they'll ignore it but a lot of people won't ignore it, they'll look at that sign and they'll stop. That will make Riverside Drive a little less attractive.

And you really should look at that other side, the 25-Riverside Drive connection there. You ought to put a sign over there on Corwell on the other side of the railroad track, something that stops that zig zag which I always do myself, it's very convenient. But that's a dangerous turn.

Anyone would tell you, you don't need a traffic study for someone to tell you zig zag turns over a railroad track, that's dangerous.

6/02/2009

But, Phil, the one thing that I am hoping, and I hope the police commissioner will do this, it's really not a hard thing to enforce the truck limit and just pull the truckers over, they'll get the word very quickly to please not come through there. And then if they persist, then they would have to get tickets.

So I hope you won't do the stop signs until you do the traffic study.

Thanks very much."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Can I ask you one question? If we put a no left turn from 105 onto Riverside Drive, what's going to happen with the sewer trucks. They're going to have to come to 25 and come all the way up Riverside Drive to the sewer plant. We have to think of those trucks that are going to the sewer plant on how we can divert that traffic if we have no left turn on Riverside Drive."

John Rather: "Just very quickly hear my thoughts on that."

Councilman Dunleavy: "Go ahead."

John Rather: "First of all, you have the sewer plant that Phil says needs 3,000- \$3,000,000 of upgrade."

Supervisor Cardinale: "Fifteen."

John Rather: "Maybe you're accepting too much at the sewer plant. Maybe you don't need that Southampton sewage. Maybe you should start to scale back the sewer plant so there's not so many trucks going in there. Are there not trucks even from other towns that go in there?"

Councilman Dunleavy: "They come from Southampton, Southold- "

John Rather: "Is that kind of a profit center for the town?"

Councilman Dunleavy: "Yes."

John Rather: "Maybe that's the profit center that you're going to have to do without, especially if you're- "

Councilman Dunleavy: "No. It's not a profit center."

John Rather: "Okay."

Councilman Dunleavy: "It's just taking care of the budget."

6/02/2009

John Rather: "Off set your losses."

Councilman Dunleavy: "That's all it's doing."

John Rather: "Still in all, that's a plant that's polluting the estuary and the Peconic River and has for a long time. I know you've had upgrades before but if you have a problem now and you face another upgrade, one option you can consider is limiting the number of vehicles that can go in there by perhaps keeping it to Riverhead town. Then you'll have less of a problem of trucks coming in there. That would be one solution.

As how the trucks get in there, is it really true that if you go to Indian Island and you go under there, that that bridge is too low? Is that absolutely known for a fact?"

Councilman Dunleavy: "That's a low bridge. Yes."

John Rather: "Who knows that- it's a known fact and it's absolute. How do you know that? It's more than 10 feet. I looked at the sign. It's not 11 though.

But if that's absolutely impossible, then what about going around the Hubbard off ramps? It doesn't seem to me that you impact anybody particularly there. There is one residence with a fence along the line and that would be unfortunate that one person might- but basically you're coming into an area without many houses. So they would have to go off there. Sure, it's inconvenient for them. But that's the way it goes.

Another possibility they could go into Indian Island, what the county would have done had they done this no left turn, they would have extended a road under the bridge, directly under the bridge on the golf course there, that their own vehicles could get from one side to another. Maybe that could be a spur for the sewer trucks. I'm sure the golfers wouldn't like that.

And the last alternative if you limited the number of trucks very strictly so that you weren't getting from Brookhaven and every Tom, Dick and Harry coming there, then okay, then maybe they could come down Riverside Drive if it was really under control. But not like it is now.

So I realize, Mr. Dunleavy, that it's a tough problem, but I think you could find a solution to that one if you put your minds to it."

Councilwoman Blass: "We also have in addition to the town's facility the county park police are located at the entrance to the Riverside Drive and, of course, we have our famous county gas

6/02/2009

station that is for use by all county vehicles as I came to understand the situation. So we have at least two or three municipal entities that would be impacted in some way, shape or form by a prohibition of a left turn onto- I'm just, again, just stating- just putting it out there that- "

John Rather: "Understood. Of course, the gas tank shouldn't have been out there."

Councilwoman Blass: "We know that."

John Rather: "And you sued. I don't know if you've won that suit yet."

Councilwoman Blass: "It's still in litigation."

John Rather: "All right. So they misplaced that to begin with."

Councilwoman Blass: "We acknowledge that."

John Rather: "The maintenance people can get under the bridge. The county was ready to do it that way. And really what you say is an argument for a cul de sac on Riverside Drive.

I heard one of the Council Members say Riverside Drive is not a typical street for Riverhead. It's got three marinas. Does it have three? I only count two and I never think of the Moose Lodge strictly as a marina. It's a club, isn't it? And then there's the Little Riverhead Yacht Club that's a small, not a large marina. Is there a third one? I'm not aware of it."

(Unidentified speaker)

John Rather: "Near your house. But it's small, isn't it? So these are not- it's not a big commercial street. But you do have a lot of county facilities up there.

I'm going to wrap this up very quickly. You've got the county police. You've got the gas station. You've got the county maintenance. That's an argument for the cul de sac. A cul de sac would also work into the two parklands, the one that you paid for, the one that the county paid for. Those ought to be accessible to people and not with a speedway running through the middle of it.

So if you did a cul de sac creatively you could even do it so that emergency vehicles could get in and out as needed. And that would be still the best way to stop this problem.

6/02/2009

Ideally what I would do is have a system with a gate that opened for the local residents so we could get in and out especially but I know that's too much to ask. So we'd have to go the other way.

But you shouldn't give up too quickly on the cul de sac. It solves a lot of problems. And it is true that Riverside Drive is unusual. It has two distinct sections, a very good residential section and then suddenly you're getting into the municipal. So put the municipal on one side of the cul de sac. The residential on the other. Then do something for Hubbard, and all your other interior streets that are getting wiped out by that Route 58 traffic that's bleeding through."

Supervisor Cardinale: "Thank you, John."

John Rather: "Thanks very much."

Councilman Dunleavy: "Thank you."

Councilwoman Blass: "Thanks."

Supervisor Cardinale: "Is there any other comment, I'll take it, otherwise I'll leave this open for written comment for 10 days for anyone who wants to make it.

But if you want to make verbal comment, please get up and stand ready to speak."

Kendall Kelly: "I'm ready."

Supervisor Cardinale: "Go right ahead."

Kendall Kelly: "My name is Kendall Kelly. I live at 53 Riverside Drive. I'm on the East Main Street side. I'm sorry I was late because I did not understand why everybody is completely down on the speed bumps. I guess I'm aware it would be a terrible inconvenience for all the residents. Everybody that lives there would have to, in fact, go over the bumps.

But I- I mean with certainty, it would keep everybody else out. And so I still vote that way but I wish I'd heard the arguments against it. Maybe it's terribly expensive, I don't know. Could you tell me what were the- what's the biggest objection. Is it money or is it inconvenience for all of us?"

Supervisor Cardinale: "There was the inconvenience, there is also the fact that it has to be done correctly or you're going to wind up with liability issues. So those two were the ones we heard."

6/02/2009

Kendall Kelly: "Oh, liability, meaning a car gets damaged?"

Supervisor Cardinale: "Yes. Or a person."

Councilman Dunleavy: "Or they have an accident going over it, lose control and have an accident."

Kendall Kelly: "Why is that the town's problem?"

Councilman Dunleavy: "Because it's a town road and we put a- it's not a level road anymore. We're putting an obstacle in the road, a speed bump in the road so that's why- "

Kendall Kelly: "So you're saying the obstacle isn't legal?"

Councilman Dunleavy: "Well, no, it's legal if you put it the way the state wants you to put it. But we're saying a liability, that if somebody hits it and has an accident, there's liability."

Kendall Kelly: "Okay. Thank you."

Supervisor Cardinale: "Thank you. Next comment, please."

Debbie Alaimo: "Hi, how are you? I'm Debbie Alaimo, 3 River Avenue. And I've been a resident there for 13 years.

My feel on the cul de sac is absolutely not because you're forgetting about my side of the residence. I wouldn't be able to go to town. That's how I bring my children to school in the morning and everything else.

I also feel that if you notice, since you put that traffic- the speed thing up, traffic has slowed down. People don't come on there as much. If they suspect somebody is going to be there watching them, just doing that I think alleviated a lot of the problem.

You know every once in a while if they knew somebody was going to be there waiting to catch them, they would think twice about coming through. And I also have to agree with the gentleman that said about the traffic light. Since the traffic light was put on 105, it has increased the traffic because it made everybody aware that there's another road.

But I don't know what the answer is. I'm just saying I'm not for the cul de sac because I don't want to be cut off from our town. That's how I go every morning to bring my kids to school and everything else.

6/02/2009

Same thing with the left, the no left turn. Maybe it's just making it a smoother flow and maybe making the left hand like it is and then going up over the railroad tracks for that, a fork there or something like that to make it flow smoother, because you're mostly waiting for the traffic that's making a left onto Main Street."

Supervisor Cardinale: "Right."

Debbie Alaimo: "And that's what the holdup is and the backup on the traffic."

Supervisor Cardinale: "Yeah, we understand that. Thank you."

Councilman Dunleavy: "Do you live on River Avenue or- "

Debbie Alaimo: "River Avenue."

Councilman Dunleavy: "Okay. And you want to make the right turn out of River Avenue. Is that what you want to do? Because you could make the cul de sac, you can make a left turn- "

Debbie Alaimo: "I want to make a right or a left."

Councilman Dunleavy: "-- and come to Main Street."

Debbie Alaimo: "No. I live the other side."

Councilman Dunleavy: "You live on Riverside Drive then?"

Debbie Alaimo: "Yes. No. I live on River Avenue."

Councilman Dunleavy: "Okay, on the- "

Debbie Alaimo: "I'm on the sewage, yeah, and that's another thing. You know, everybody blames the sewer trucks. We knew they were there. You knew you were buying on a main road. You've got to put up with the traffic. I mean I don't know what the answer is but I don't really think it's the trucks either because I live there. I have to see them all the time and it's not as bad as it seems, I would say.

I think it's more of the overflow of traffic from when it's rush hour. Maybe think of that. Maybe say morning and afternoon, certain times, I don't know. I don't know what the answer is but that's my take on it."

Supervisor Cardinale: "Thank you."

Debbie Alaimo: "Thanks."

Supervisor Cardinale: "Thank you. Next comment, please."

6/02/2009

Andrea Warren: "Hi. Andrea Warren, 465 Riverside Drive. I would just like to say that all of this probably could be handled with enforcement. It's just a question of do we have the resources to hit this hard enough and long enough so people get the message and just stop.

About the speed bumps, why not speed hump. From what I understand, that's a completely different thing. It's a bigger bump and you will not bottom out the bottom of your car or the front of it if you go over it at the posted speed limit. If you go any faster, you're asking for trouble. I've heard of those things. Maybe we could look into that.

I know there's a lot of complicated issues but in the meantime could we— I mean after the last town hall meeting where everybody showed up here, we had cops there for a couple of days. They were pulling people over writing tickets and I was like cheering from inside my house. But then it stopped.

And I'm down the other end, more— by the wonderful gas pumps that are there and people pick up a lot of speed once they get out of the residential section where the houses are all on top of each other right there at the top, and then they get the Moose Lodge and there's woods on either side, there's that downgrade in the road and they are flying. They are flying past the house, flying past the intersection where you're trying to pull out from. They're flying past stopped school buses. They're not paying attention and it's particularly bad commuting hours morning and afternoon. But it's— I mean it's not uncommon to see somebody doing over 45 in the middle of the day either.

And summer is coming, kids are going to be out of school. So I vote for enforcement in the interim when we're trying to figure out this complicated issue."

Supervisor Cardinale: "Thank you."

Andrea Warren: "Thanks."

Supervisor Cardinale: "Is there any other comment? If so, please come up. Otherwise I will leave this open for 10 days until Friday, the— I guess this is the 2<sup>nd</sup>— that would be the 12<sup>th</sup> at 4:30 p.m., comments to the clerk.

Chief, I'd like to ask you to renew your enforcement of speed on a periodic basis so it's not just once, and also to begin enforcement of the weight limits. I appreciate that.

6/02/2009

Okay, this is open then to the 12<sup>th</sup> and we appreciate your coming down because like you, we're struggling to find the right solution."

Public hearing closed: 2:45 p.m.  
Left open for 10 days for written  
comment until June 12, 2009 at 4:30 p.m.

---

Public hearing opened: 2:45 p.m.

Supervisor Cardinale: "I would like to move to the next hearing which is scheduled for 2:10, and it's certainly that, it's 2:45 and it is for the consideration of a local law to amend Chapter 18 entitled code of ethics, Section 18-10 of the Riverhead town code.

The proposal is to add to the annual financial disclosure and conflict statement, the architectural review board and the conservation advisory council members as recommended by the Ethics Committee.

Does anyone have any comment on that proposal? That is to add those two, architectural review and conservation advisory council to those people that must report conflicts of interest and disclose any annually. If there is a comment, we'll take it; if there isn't, I'll consider the hearing open 2:45 and closed at 2:46 and leave it open for 10 days for comment in writing for anyone who wishes to forward it."

Public hearing closed: 2:46 p.m.  
Left open for 10 days for written  
comment to June 12, 2009 at 4:30 p.m.

---

Public hearing opened: 2:46 p.m.

Supervisor Cardinale: "The third hearing we have scheduled for 2:15, is to— for a public hearing to hear all interested persons regarding an alleged unsafe building at 31 Northville Turnpike, Riverhead, New York, Suffolk County Tax Map No. 0600-128-4-10, pursuant to Chapter 54 of the Riverhead town code.

We have Dan McCormick our town attorney here and I think he's going to examine Scott Divonski our fire marshal— yes."

(Inaudible discussion)

6/02/2009

Supervisor Cardinale: "Okay. We have a request for adjournment which I understand, Scott, that you are prepared to recommend that we adjourn for two weeks to allow compliance.

Anybody object? Okay, so we're going to-- do we need to open the hearing of anything or just adjourn it?"

(Inaudible discussion)

Supervisor Cardinale: "Yes. Sure."

Dan McCormick: "Are you in fact Scott McMillan? Is that correct, sir?"

Scott McMillan: "I am."

Dan McCormick: "And you are the husband of the deeded owner, Marie McMillan, at 31 Northville Turnpike in Riverhead?"

Scott McMillan: "I am."

Dan McCormick: "And is it your representation that you intend to secure this building and the related structures at that location this Thursday?"

Scott McMillan: "I will."

Dan McCormick: "And you will do it to the satisfaction of fire marshal Scott Divonski. Is that correct?"

Scott McMillan: "Absolutely."

Dan McCormick: "You are also consenting to his inspection of the property in total on that date. Is that correct?"

Scott McMillan: "Yes."

Dan McCormick: "Now you also had John Taggert (phonetic) regarding this matter. Is that correct?"

Scott McMillan: "I do."

Dan McCormick: "Are you waiving your right to have Mr. Taggert here today?"

Scott McMillan: "I am."

Dan McCormick: "And you are doing so with the understanding that you could have proceeded with respect to this hearing today?"

Scott McMillan: "Yes, sir."

6/02/2009

Dan McCormick: "And you are waiving that hearing today with the understanding that you are going to repair the facility on Thursday?"

Scott McMillan: "I am."

Dan McCormick: "Okay. And you understand we are doing this as an accommodation from the town on your behalf and for your benefit directly?"

Scott McMillan: "I do and I appreciate it."

Dan McCormick: "And for the record you'll have Mr. Taggart call me today on this matter."

Scott McMillan: "I will call him and if he is available to call you, he will call you. Yes."

Dan McCormick: "I appreciate that. Thank you very much."

Scott McMillan: "Thank you."

Supervisor Cardinale: "One other question. In regard to the— if everything goes well Thursday we'll have a report— the adjourned date will be— the hearing will be dismissed or withdrawn.

If it doesn't go well on Thursday for any reason, on June 16<sup>th</sup> we're going to be here to do the hearing. So you understand that?"

Scott McMillan: "I do."

Supervisor Cardinale: "Okay. That's great then. Thank you and hope you comply successfully and I'll mark it adjourned 'til the 16<sup>th</sup>. All right. And we'll put it on our calendar for that day and see what happens."

Scott McMillan: "Thank you for your time."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Hearing adjourned

---

Public hearing opened: 2:52 p.m.

6/02/2009

Supervisor Cardinale: "Okay. The next and final hearing of today, the fourth hearing, is for the consideration of a special use permit petition of Bernard J. Kito, Jr. to allow the construction of four medical office buildings on a 3.902 acre parcel zoned rural corridor (RLC) upon real property located at Main Road, Aquebogue, New York such property more particularly described as SCTM# 0600-85-3-1.8.

Okay. The hearing is deemed opened at 2:52. And we need to swear in the witness. Would you do so, Dawn?"

Dawn Thomas: "Would you raise your right hand, please and state your name?"

William Jaeger: "William Jaeger."

Dawn Thomas: "And do you swear the testimony you are about to give to be the truth, the whole truth and nothing but the truth so help you God?"

William Jaeger: "I do."

Dawn Thomas: "Thank you."

William Jaeger: "Mr. Supervisor, Members of the Board, for the record my name is Bill Jaeger from the firm of Hawkins, Webb and Jaeger consulting engineers and land surveyors. Let me just put one (inaudible) exhibits. Does the board have copies of the site plan up there or no?"

Supervisor Cardinale: "We do not."

William Jaeger: "I have submitted the proof of advertising-not of advertising, of posting and certified mailing for the subject application.

This application is for a special permit for medical offices on a 3.9 acre parcel within the rural corridor zoning district. RLC zoning allows the construction of professional offices subject to a special permit from the town board providing the subject parcel is within one-quarter mile of hamlet center or village center zoning.

The subject parcel or the subject property is contiguous to the westerly side of the hamlet center zoning.

The site is to be improved with four medical office buildings ranging in size from 4,620 square feet to 3,960 square feet and having a total area of 16,973 square feet which is within the 10% allowable occupancy.

6/02/2009

The buildings are of residential design and have front, rear and side yards in excess of the 50 feet which exceeds zoning code requirements. This site has adequate parking with what is to be shared and-- with an access that is to be shared onto Main Road.

The site will also be properly landscaped.

The applicant is also in compliance with all of the rural corridor zoning requirements as well as the code's design standards. Compliance with these standards can be seen on the submitted site plan and building plans and includes distributing the office space among a minimum of four buildings with no building having an area of more than 5,000 square feet, providing sidewalks because it's within one-quarter mile of the hamlet center zoning.

The proposed buildings are residential farm style architecture and utilize natural finishes and all signage will comply with the ordinance of the town of Riverhead.

The applicant believes that he complies with all of the criteria applicable to this special permit for professional offices for this application.

These include the following:

The site is particularly suited to the proposed use based on its frontage on Main Road and is a proposed development in the manner consistent with the design standards for the area.

The site and proposed development is appropriate and adequate for the four small medical offices being proposed.

The proposed use is of low intensity and is not unsuitably near a church, school, theater, recreational area or place of public assembly. Now there is a church in the general area on the opposite side of the road but this would not impact that.

Access to the property complies to the requirements for the four lot subdivision from which it was created and will not change the character of the neighborhood or impact current traffic flow.

It is anticipated that the proposed curb cut will be approved by New York State DOT in that it is in compliance with the original subdivision approved by that agency.

The plan provides for anticipated emergency conditions.

The code compliant parking and loading are provided and laid out in a safe and convenient fashion.

6/02/2009

Adequate buffers and landscaping will be provided and will protect all adjacent properties and land uses.

No additional special setbacks or easements are anticipated. The property already has a water easement along the road frontage and a restrictive covenant limiting the access to the area shown on the site plan.

There are no semi-public or recreational areas. There is adequate provision for storm water, sanitary sewage and solid waste disposal.

Existing municipal services are adequate for the proposed use. The proposed use will not tend to create any environmental pollution.

The proposed use will operate during normal medical hours which would include daytime and early evening on normal business days. That may include Saturday mornings which is not unusual in the medical profession.

The proposed use should not require any additional conditions. However, the applicant would accept any reasonable conditions the board may deem necessary.

To the best of my knowledge, all design elements at the proposed site are adequate to meet town specifications and requirements. All solid waste containers are to be screen planted and the intensity of use requested is justified but in light of similar uses within the area. You have other office spaces along that road as well as some of your farm stand and other types of uses.

Beyond that, I would answer any questions that the board might have."

Supervisor Cardinale: "Thank you. There are no variance requests pending?"

William Jaeger: "There are no variance requests pending."

Supervisor Cardinale: "Barbara, did you have a question?"

Councilwoman Blass: "I was going to ask you did you seek any variances?"

William Jaeger: "As far as I'm aware there are— none have been asked for by the planning board and we do not anticipate any variances."

6/02/2009

Councilwoman Blass: "I'm just looking at the notation at the bottom of the board that was submitted that says that 15% of the parking lot is to be landscaped, 11% is provided, a 26.67% variance. And I was wondering what that referred to."

William Jaeger: "I am- okay, I stand corrected. Yes, we will be seeding that one variance. And if that is an issue then we would alter the plans."

Councilwoman Blass: "And you would have to get approval from the zoning board first before- "

William Jaeger: "That is correct. Yes."

Supervisor Cardinale: "Yeah. The- where's Rick? Probably when he heard what we were talking about."

The reason she asked that question and I did was that we cannot make a determination on a special permit until the zoning board of appeals acts. If there's a variance, they go first so to speak.

So I presume when we reviewed this in work session we were told that there were no variances necessary or pending."

William Jaeger: "I would say that we would be able to eliminate that required variance. Yes."

Supervisor Cardinale: "Okay. If you can give us something confirming that, we can then after this hearing consider the special permitted use determination."

William Jaeger: "Let me check with Rick and verify that what I'm saying is correct. Then I'll give you something in writing. Is that satisfactory?"

Supervisor Cardinale: "Yeah. Rick, is that- the town attorney will have him come back in. In the interval, this is a essentially a four building, 4,000 square foot or thereabouts, each building and parking and landscaping, west- east of Union Avenue- I don't know how many feet- can you read that- 904 east on the north side and if anybody wants to make a comment, now's your time. It's going to be all medical is the objective?"

William Jaeger: "That's the objective at this time. Yes, sir."

Supervisor Cardinale: "So if anybody would like to make a comment, I'd like to take that comment now. Otherwise, I'd like to ask the director of planning- if you'd take a look, Barbara, I had asked the generic question, Barbara picked up that there was a reference to a variance. As you know, we cannot consider- we can

6/02/2009

consider but we can't determine this application if there is a variance pending."

Rick Hanley: "What was the variance?"

Councilwoman Blass: "There is a notation at the bottom of the plan that says there's a 26.6% variance necessary in the parking lot- percentage of the parking lot to be landscaped. Only 11% is provided and 15% is required."

Rick Hanley: "Okay. I guess what I'm hearing from the applicant is he would consider amending the plan to provide for no relief required."

And, secondly, this section might be one that we just amended, Barbara, to provide it as a guideline as opposed to a zoning standard."

Councilwoman Blass: "It's possible. I'm just reading what's here."

Rick Hanley: "It's possible. Okay, we'll make sure that that gets taken care of before we act."

Supervisor Cardinale: "Good. If you'd clarify that for our work session, we can consider this."

Rick Hanley: "I had looked at the zoning requirement schedule and there was nothing but I see that note there."

Councilwoman Blass: "And may I ask the area that's indicated as natural area, is that presently treed?"

William Jaeger: "It is lightly treed. There are some areas of field on the property and there are other areas that are treed. The fields have been fallow for a while so you are getting some growth in those areas."

Councilwoman Blass: "Do you propose to further disturb it in any way or is it your intention to keep it as it is?"

William Jaeger: "We would keep it as it is and if we had to provide some supplemental plantings we would. But basically we intend to keep it natural."

Councilwoman Blass: "Would you have any objection for- if the notation were a non-disturbance area as opposed to a natural area?"

6/02/2009

William Jaeger: "I don't think we have a problem with that. Yeah, as long as we have sufficient clearing around the construction areas where we can operate our equipment. Sure."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "Any other questions from the board members? Any other comment from the public? Yes, please come up and make what comment you'd like. Thank you."

Judy Shivers: "Hi. My name is Judy Shivers. I live at 6 Grant Drive in Aquebogue."

First of all, I think that where he's building there is a church right next door. Is that correct?"

Supervisor Cardinale: "Is that the- "

Judy Shivers: "The Kingdom Hall church."

Supervisor Cardinale: "Okay. Please answer then as long as we're being asked."

William Jaeger: "There are two in the general area. There's the Kingdom Hall which is on the first of the four lot subdivision. We're on the fourth of the four lot subdivision so there are two four acre parcels roughly in between. And then there's a Lutheran Church on the opposite side of the road."

Supervisor Cardinale: "Thank you."

Judy Shivers: "The other thing that I want to know is what type of medical is going in there. There's all kinds of medical. There's abortion clinics, there's methadone clinics, there's outpatient mental health clinics. So we would like to know what type of facility it will be if you know that."

William Jaeger: "We do not know at this time but we're looking at your normal practices, chiropractic. There is one potential tenant with an MRI type of facility, that type of operation. We're talking support for general medical. We're not talking treatment centers."

Supervisor Cardinale: "Thank you."

Judy Shivers: "And the other question that I have is there's so many- there's a big medical office right near the motor vehicle building and there's a lot of other land, you know. Why pick that land? Why is that so important when there are other areas available."

6/02/2009

Supervisor Cardinale: "Well, if you can answer. But it's-- if you can answer, you may; if you don't wish to, you don't have to."

William Jaeger: "I think there's a different nature. The other facilities, a number of them are very large buildings. Physicians would like to have their own dedicated space and we feel that this is a practical approach to development of medical facilities."

Supervisor Cardinale: "Thank you. I should point out that the special permitted use requested is professional offices. Is that correct, Dawn?"

Dawn Thomas: "I have to look at the application."

Supervisor Cardinale: "Professional offices is the specially permitted use. So-- "

Dawn Thomas: "Medical office."

Supervisor Cardinale: "That's what-- what does our zoning say?"

Dawn Thomas: "I think it's special permit, medical office."

Supervisor Cardinale: "So everybody understands what the hearing is about. There is-- in the zoning code, there are permitted uses and there are specially permitted uses and the difference is before you have a specially permitted use granted, you have to come before the board and request it and have them ask questions and give us a little more detail and bring our comfort level to that point.

But when we give the permission, it's not for a medical office or a particular type of doctor, it's for whatever she comes back with. I think it's professional offices.

So if he can't rent to a medical doctor, he'll rent to another office use. His preference is to do a medical center. But it's not required once the zoning-- specially permitted zoning use is accepted."

Judy Shivers: "Okay. And my-- the last question I would have. What kind of impact would this have on Union Avenue? We live on Grant Drive right off of Union. We already have-- it's hard to get out of the street as it is because of the traffic. So what type of impact would this have?"

6/02/2009

William Jaeger: "For the most part this type of facility serves the community and you have community traffic. You will have people coming to the site generally from within the community. I don't see there would be a major impact. Whether a person seeing this physician or another physician, the traffic would be there.

Union is considerably west of this site and there is no impact to the intersection relative to our ingress and egress."

Supervisor Cardinale: "I should also point out for the neighbor speaking and asking the questions. Even after- if we were to grant this specially permitted use and assuming he doesn't, we can because the zoning board of appeals need not act.

There's going to be a site plan review of this project by the planning board and then-- you should attend if you're interested because those kinds of questions are going to be addressed by the planning board as to how to best get the traffic in and out and that kind of thing without any impact on the community."

Judy Shivers: "Okay. How would I know when that's going to happen? Can you send me a letter or- "

Supervisor Cardinale: "The planning- legal notices should be in the News Review. They don't do site plan notices? What the heck sense does that make? How do you- okay, that's a good question. Where's my planning director?"

Dawn Thomas: "He's just in the other room."

Supervisor Cardinale: "Oh. Rick, if a lady wants, let's say we do this special permit here which we routinely do permit specially permitted uses unless we have a real good reason because that's what the law requires. How does she know when the site plan is up for consideration by the planning board so she can ask ingress/egress questions, etc.? Is there a published agenda that's on the website every two weeks?"

Rick Hanley: "Yes. We list the dates of the planning board meetings and what's on the agenda. However, there are no hearings for site plans. So if she has any questions with respect to the use we should probably discuss it now."

Supervisor Cardinale: "So- wait a minute. How do they get a site plan approved?"

Rick Hanley: "By resolution of the planning board. They don't hold hearings per se- "

Dawn Thomas: "It's done at a public meeting, it's- "

6/02/2009

Rick Hanley: "It's not a public hearing."

Supervisor Cardinale: "So does the planning board have-- does the planning board when they have meetings that are televised--"

Rick Hanley: "Yes."

Supervisor Cardinale: "-- do they allow people to stand up like we do here and ask about-- "

Rick Hanley: "Yes. It's just not a formal public hearing."

Supervisor Cardinale: "But before a resolution is passed, there's a public meeting."

Rick Hanley: "Yes. Typically at work sessions."

Supervisor Cardinale: "And that resolution I hope is listed on the website, that these resolutions are to be considered."

Rick Hanley: "Yes."

Supervisor Cardinale: "Okay."

Rick Hanley: "On the agenda."

Supervisor Cardinale: "So you talk to the department right there and then in the website you would know when that resolutions is going to be considered if you have any parting comments."

Rick Hanley: "Also, some of the lady's concerns had to do I think with maybe there was a mistake, not a mistake made but possibly the notice should not have said medical office. If should have said professional office because in the RLC district professional offices specifically professional offices are allowed by special permit in a certain distance of the hamlet center I believe which means we're not talking about standard medical office buildings. It would have to be a professional office as listed in our code."

Supervisor Cardinale: "Yeah. A special permitted use is as a professional office."

Rick Hanley: "Professional office, it's not medical offices generically."

Dawn Thomas: "Well professional office provided they're within a quarter of a mile of the hamlet center or village center and then we have a list of what professional offices are."

6/02/2009

Supervisor Cardinale: "There's a question. Why don't you certify for us, Rick, can you certify for us that this proposed site, is it within one-quarter mile? Because apparently- "

Rick Hanley: "We've already done that."

Supervisor Cardinale: "Okay. So you're on the record, within a quarter mile."

Rick Hanley: "Yes. Otherwise we wouldn't be here today."

Supervisor Cardinale: "Silly me. But sometimes we do make mistakes."

Rick Hanley: "We do make mistakes."

Supervisor Cardinale: "Okay, good. This isn't one of them. Okay. It's adjacent she says. I can't miss it."

Rick Hanley: "It's within a quarter mile."

Supervisor Cardinale: "Okay, great. Thank you. Okay, any other comments? Yes, please, come up."

Maryann Power: "My name is Maryann Power. I live at 89 Grant Drive. I'm just concerned that with all the other buildings that we have that are vacant now. We have other medical facilities that are right next to the ice cream place that have five individual places that individual doctors could be in.

You have the farm building across the street from King Kullen that's vacant that's an eyesore that they could possibly put something in. You have the PC Richards that could be individual offices in that right by the hospital.

So if they're talking medical, what better place than to be closer to the hospital? If you have a patient that's in need or they're doing MI's, how much closer could you get to the hospital?

We also have a tremendous amount of traffic from all of the farmstands we have. We have the tree cutters, we have the pumpkin pickers, you know, they're all out there. We go to leave our house in the morning and it takes me five minutes to get across to make a right hand turn to get out of our area.

I just don't see the need for another medical or professional building in the area when we have so many places.

6/02/2009

Now they have a proposed— for a possibly new Wal-Mart. What are we going to do with the old Wal-Mart? Are we going to have vacant buildings that we're going to have vandalism and places for children to, you know, start fires in or drinking or having drug areas? I really don't see the need for another professional building in that area."

Supervisor Cardinale: "Well, you know, this comment comes up frequently and probably is shared by the board but unfortunately even in a recession such as we have now, you have new construction going up when older buildings are empty. It is surprising but the town board does not have a legal ability to address that even if we wanted to.

We simply cannot tell them, I guess because it's America and all, we can't tell the investor where he should better invest. But I understand your point, it's been made before and he's listening. Maybe he'll go out and find out how cheap these rentals are now in this recession and his client will decide to rent instead of purchase a building."

Maryann Power: "There's also a tremendous amount of property right across from King Kullen and it says it's 22,000 square feet, we build for medical professional building."

Supervisor Cardinale: "You're not a broker or anything, are you?"

Maryann Power: "No, I'm not. But we could work out a deal."

Supervisor Cardinale: "We can make a deal. So maybe— this is the attorney for the applicant so maybe he's listening. He's going to check out the market on the way out of here."

Maryann Power: "Okay. Thank you very much."

Supervisor Cardinale: "Thank you. Anybody else with any comment? Yes."

Councilwoman Blass: "I just have another question if I could. I know this is not a site plan issue or the issue before us is not a site plan issue and that is under the purview of the planning board. But I did want to ask, do you contemplate removal of materials such that your site plan would have an excavation permit required?"

William Jaeger: "I do not really anticipate the removal of materials from this site. If we— if there were removal, it would probably be due to the quality of the material but I think the test borings were fairly good on the property. So I don't really anticipate that. No."

6/02/2009

Councilwoman Blass: "Okay, thank you."

Supervisor Cardinale: "Yes, sir."

Curt Koch: "Hello, my name is Curt Koch. I live in Cutchogue. I'm the owner of the smaller lot that's contiguous at the southeast corner of the lot that's under discussion. My tax lot is 0600-85-3 and then lot 3. And I'm in the (inaudible) zone.

And I'm in favor of the special use permit. My plans are to eventually do something along similar lines, an office type building. My uses are much more generous but I was thinking along the same lines.

And I looked at the site plan and it does come off appealing and I got a glimpse at the residential style buildings which is again appealing and I think required, right, or somewhat required."

Supervisor Cardinale: "Yes. Design standards suggested. Yes."

Curt Koch: "Right. So again I'm in favor of it. Thank you."

Supervisor Cardinale: "Thank you. Any other comment? Okay, if there is no further comment, we'll leave it open for— yes, come on up, please. One other comment. I was getting so used to being in the dark."

Wally Binger: "Good afternoon. Wally Binger, Main Road, Aquebogue. I thought we saved money by doing that.

I live adjacent to this. I actually don't know what the— you know, posted public hearing and I didn't see anything in the News Review. I must have overlooked it. Does anybody know what day it was posted?"

Supervisor Cardinale: "The clerk would, yeah."

Diane Wilhelm: "May 21<sup>st</sup>."

Wally Binger: "May 21<sup>st</sup>, in the May 21<sup>st</sup> issue of the News Review?"

Diane Wilhelm: "I have the (inaudible) of posting."

Wally Binger: "Okay, I'll look again at home. I looked through it a couple times. I looked at the 7<sup>th</sup>, the 14<sup>th</sup> and the 21<sup>st</sup> and I didn't see it.

6/02/2009

I also have the posting that was in front of the building in my car because it wasn't in front of the building over the weekend, it was on the ground. I looked for it today because I didn't know what lot it was. Actually I didn't know what lot was being 3.9 acres. I thought it was the lot immediately adjacent to the farmstand but I didn't know that. So the sign that was posted, and there was somebody posting I think last Friday- I don't know, seven days back I'm sure, posted it but it didn't last through the storm. So I found it on the ground today because I wanted to double check what lot it was.

This gentleman just told me what lot it is because he owns that small lot next to the farmstand. Where did he go? Immediately next to the farmstand or the second lot? There's two lots there, if I may ask by the way."

(Inaudible comment)

Wally Binger: "Yes. Okay. It was owned by Mr. Moiser (phonetic) that was the Moiser residence. It used to have a house on it. Okay. I just wanted to know which one because you said the southeast corner. There's an additional one on the southeast corner which is the yellow house. Both of them were sold at auction or something, it was a while ago, a tax auction or something like that. Right.

That doesn't matter. I'm just trying to get the lot. So the lot is immediately adjacent to the farmstand for the most part except for two small lots that are 50 by 80 I believe, okay. One has been told already they can't build commercial on it. I think it just went off. One's already told they can't build commercial on it because it's too small. They had no parking areas. So, but now I know where it is, isn't Jehovah's Witnesses right there on the westerly end of this property then?"

Supervisor Cardinale: "I assume they're the property to the west."

Wally Binger: "They're the property to the west. Well, they mentioned there was no churches, not that it matters. Believe me, I'm not against this. I'm just trying to find out what's going on. I've lived there for- "

Supervisor Cardinale: "He indicated there were two churches, Wally."

Wally Binger: "Right. The Lutheran Church- "

6/02/2009

Supervisor Cardinale: "And this one he also mentioned, the Kingdom Hall. He did mention- "

Wally Binger: "He did mention Kingdom Hall. Okay, I missed that portion of it."

Supervisor Cardinale: "Yeah, he said it quick."

Wally Binger: "I'm not sure it's required. I mean, you know, why not build professional offices next to Kingdom Hall, I have no problem with that. There is another house next door to Kingdom Hall."

Supervisor Cardinale: "You realize it's not- religious- churches can build just about anywhere. They- under the law. So they chose to be there, they could chose to be in a residential zone and they do."

Wally Binger: "Right."

Supervisor Cardinale: "So they have pretty good carte blanche- "

Wally Binger: "Kingdom Hall is not considered a church."

Supervisor Cardinale: "-- because of freedom of religion. Kingdom Hall is not considered a church?"

Wally Binger: "No. I said- I'm asking a question."

Supervisor Cardinale: "They are."

Wally Binger: "They are. They don't pay taxes. There's a difference. There's a lot of churches, you know, somebody sets a house up, calls it a church, I mean that's fine."

I'm not against this facility at all. I'm just trying to question it. And I haven't seen any plans or anything posted outside. I tried to look when I came in to see where, you know, what it looked like, where it was, you know, where the driveways are proposed, etc. You know. Isn't it usually posted outside for a public hearing, right on the bulletin board?"

Supervisor Cardinale: "If it's a site plan hearing. The only issue here is whether we're going to permit office use, professional office use. After that, we hand off to the planning board who does all the rest."

Wally Binger: "Yeah. It's kind of the cart before the horse thing. I'm not sure- I understand the problem in doing all the site

6/02/2009

plans but I just haven't seen any plans in the papers or posted anywhere that show what it is. Now I have an idea where it is.

And you know, it's not against- I have a piece of commercial property by the way. I don't know this gentleman's name. I have a piece of commercial property, okay, next door to you and it's not a residential area, it's not a residential area. So I'm all for this but I'd just like to see what exactly is going on.

Now, can- I do have some specific questions. Now he's going for a site plan for a medical office, okay- "

Supervisor Cardinale: "After this, if he gets the relief he's asking."

Wally Binger: "Does he have a tenant or is this a developer?"

Supervisor Cardinale: "You want to answer that?"

William Jaeger: "I believe I said earlier that we had one tentative tenant, an MRI facility."

Supervisor Cardinale: "All right. Thank you."

Wally Binger: "Well, you did say that but that's a tentative tenant. So you're going to build four large buildings, 5,000 square foot, without a tenant. My question is later can these be converted to commercial? I, you know, that's my question. Because it was not a commercial area. Commercial areas stopped. I have RC zoning, okay. And that's about a tenth of what I had when I bought it. Okay? I was under commercial C zoning with 30% lot coverage. Okay? We don't do that anymore, but you know.

But I just want to know that it can't be converted to restaurants later on, okay. I mean, can we make that stipulation?"

Supervisor Cardinale: "What is that again?"

Wally Binger: "That it can't be turned into a restaurant later on. We're allowing it- we've included this area in the RC because it's within a quarter mile of the RC and that only happened I think within the last year."

Supervisor Cardinale: "Well, that's not the way our statute is set up. I'm going to ask the clerk to- I mean the town attorney to make it clear. We said- they're in what zone, they're not in the hamlet center zone."

Dawn Thomas: "RLC."

Supervisor Cardinale: "They're in rural corridor zone."

6/02/2009

Wally Binger: "That's correct."

Supervisor Cardinale: "Within the rural corridor zone, if you're within one-quarter mile of it and you get a special permission from this board, you can use— you can put professional offices."

Wally Binger: "I think I was addressing that. That only happened within the past year that that was added in. I believe. Wasn't that— maybe Rick would remember. But I don't think it was part of the original. It was part of it?"

(Inaudible discussion)

Supervisor Cardinale: "Yeah, this— "

Wally Binger: "Existing structures, if this (inaudible), I'd be a lot angrier. Because I have an existing structure I cannot use for commercial because I cannot put tenants upstairs. I cannot use for residential because you're not allowed tenants upstairs. I can't expand the footprint because if we put (inaudible) office they won't let me expand the footprint of the existing building so, let's not go into that. All right?"

Supervisor Cardinale: "Wally, this is an RLC zone, okay? She has it in front of her. She'll tell you what— these are the permitted uses, she'll read them."

Wally Binger: "I have no objection to this. I have an objection to it being— if it changes. That's all I want to know. Can it be changed? I have no objection to doctor's offices. I have no objection to a 5,000 square foot building."

Supervisor Cardinale: "Here is what this property can be used for without any permission from us. It can be used for agricultural production, antique stores and craft stores, retail stores or shops, nurseries— retail stores or shops of property with frontage along either the side of New York State Route 25 between South Jamesport and (inaudible).

That doesn't apply. Correct?"

Dawn Thomas: "Correct."

Supervisor Cardinale: "So agriculture production, antique stores and crafts, nurseries, museums, libraries, schools, places of worship, parks, playgrounds and single family and two family houses.

6/02/2009

If he gets a special permission from us, he can seek it for professional offices provided he's within a quarter of a mile of the hamlet center zone or village center zone, country inn, funeral home, bistros, cafes or bed and breakfasts.

So he could only change it to what I just read- "

Wally Binger: "Bistros, cafes or bed and breakfasts."

Supervisor Cardinale: "-- and that only with a special permission that he'd have to come back again."

Wally Binger: "But he's getting a special permit, he'd have to come back again. But after the buildings are up, then doesn't the argument become I have a building, it's empty, I want to put in a bistro?"

Supervisor Cardinale: "Yeah."

Wally Binger: "That's kind of- because he doesn't really have a tenant. I mean he has an MRI center that's a tentative tenant. So therefore we have 90% of this empty at the present time is what I see. Okay. That's fine. Again, I'm not arguing. I just want to cover my bases later because I moved in in 1981, I had a lot of- "

(Some inaudible discussion)

Supervisor Cardinale: "They would have to- what the town attorney is saying is in the event that we give them a special permit it would be for professional offices only. They would- if they then sought to change it because they couldn't get it all rented up, then they would have to come back and the only options they could apply for would be bistro or a cafe, a funeral home, a country inn or- and that's it. Those only."

Wally Binger: "Okay. I mean you know I just want to know we clarify this all up front but I know this is not the right meeting for this but this is the way we're going. I mean, it's a, you know, there's a traffic problem, we know there's a traffic problem. Route 25 has 10 times the amount of traffic when I moved in. Not a problem."

I'm not against him building it here but somebody has to look into lighting, lights, driveway cuts, Union Avenue. Union Avenue is impossible to get out of now. I have a good friend on Union Avenue. You can't make the left turn, you wait five minutes.

Part of it is because of the 105 light. The 105 light accumulates 15 to 20 people going southbound. The light changes, 15 to 20 people go down to Main Road. The light changes, 15 people go down- they're coming off Route 58. There's no break in traffic.

6/02/2009

That's the problem once you get to that corner. Once you get past 105, there's no break in traffic. So I mean all of this stuff should be looked into. That's all I'm saying."

Supervisor Cardinale "Right. And all of these will be considered in site plan if he gets through this hearing."

Wally Binger: "Right. And there is also the small house, residential house, that I don't know what that person is going to— it's been for sale now for two years, the people can't sell it. I think they want 800,000 for it.

Again, it's a residential house in a commercial area. So, it's you know, it's a white elephant, nobody wants it."

Supervisor Cardinale: "Right."

Wally Binger: "That's going to be I guess in the southwest corner of his property unless he's buying that house to add on. But there's somebody been trying to sell that house for two years now. It can't be used commercially, it's too small a lot and it can't be used residentially because of the Main Road traffic."

Supervisor Cardinale: "That's a separate lot, correct?"

Wally Binger: "Yeah. My house was built in 1875, you know, there were no cars. I mean the house is 30 feet from the road, you know. Nobody wants a house 30 feet from the road. There you go."

Supervisor Cardinale: "Thank you."

Wally Binger: "Thank you."

(Inaudible discussion)

Supervisor Cardinale: "Okay. Any subsequent comment, go ahead."

Larry Oxman: "Good afternoon. Larry Oxman, member of the Riverhead Business Alliance. The Riverhead Business Alliance as you know is a group that believes in individual owners' property rights.

This applicant seems to be meeting all the criteria that was set up by the town as far as the zoning. Mr. Hanley, the planning director, obviously said that they meet the criteria of being within a certain amount of distance to have this hearing.

We're in full support. If this property owner decides that they want to invest and build in Riverhead, we say welcome."

6/02/2009

Supervisor Cardinale: "Thank you. Any other comment? Yes, please come up if you have a final comment."

Judy Shivers: "Judy Shivers, 6 Grant Drive, Aquebogue. Just, usually MRI's go 24/7, MRI buildings. They're scheduled all times of the night and Saturdays and Sundays so if this was to happen, it would be good if there was a provision made that that would not occur."

Supervisor Cardinale: "Yeah. Would you address that. And incidentally that is a very relevant comment because on special permits we generally do grant them because we're required to under the law. But we can grant them with conditions."

So you indicated that they would be doing business weekdays and probably Saturday mornings."

William Jaeger: "That's what I anticipated. I'm not aware that MRI's went all night, but we would certainly accept some reasonable restrictions, you know, whether you're talking about eight in the morning until ten at night or something of that nature. I think that would be reasonable- "

Councilman Wooten: "Unless, of course, you're the one that needs the MRI at 2:00 in the morning."

Supervisor Cardinale: "Yeah. He was saying unless you've got the (inaudible). Okay. Thank you very much. We will have the planning department speak with you about that issue."

William Jaeger: "Thank you."

Supervisor Cardinale: "Thank you. Any other comment? If not, we're going to leave this open for 10 days 'til Friday, June 12<sup>th</sup>, 4:30 p.m. for written comment to the town clerk before 4:30 p.m. on that day."

(Inaudible discussion)

Supervisor Cardinale: "Okay. And we also need to remind Mr. Jaeger, we need you to get us something or department of planning something confirming that you are not going to require any zoning variances. Because that will be the prelude to our being able to determine this."

I'd like to be able to determine it in the June 16<sup>th</sup> meeting and we'll be meeting two times in between in work session."

Public hearing closed: 3:29 p.m.  
Left open for 10 days for written

6/02/2009

comment to June 12, 2009 at 4:30 p.m.

---

Supervisor Cardinale: "Okay. We have 55 proposed resolutions to consider from 517 to 571 and I'd like— first of all our very talented and underpaid, because he isn't paid at all, proofreader is here. What did we screw up this week?"

Sal Mastropaolo: "538 is missing an attachment."

Supervisor Cardinale: "Okay."

Sal Mastropaolo: "And 570 is missing an attachment."

Supervisor Cardinale: "Okay. That would be the-- 538 and 570 are attachments. What are the attachments supposed to be?"

Sal Mastropaolo: "Well, the attachment on 570 is the notice that's going to go in the paper, okay, on the transfer of development rights."

Supervisor Cardinale: "We're not going to do that one anyway. I wonder why it's here."

Sal Mastropaolo: "Okay, and 538 the attachment is the pink schedule."

Supervisor Cardinale: "Okay."

Councilwoman Blass: "Actually, while we're on 538, that's one where we were notified that it is a single bid, right? One bid was received and opened, remember our work session said how do we know whether it's a single bid or not."

Supervisor Cardinale: "Yes. All right, thank you for those two. 570 is going to be tabled because we don't— I don't think we're ready to pass— maybe we are. Resolved, (inaudible) and obtain a copy of this resolution. What kind of resolution is that?"

Councilwoman Blass: "We didn't get the other portion of it."

Supervisor Cardinale: "Town hall departments may— resolved the town clerk is authorized (inaudible)."

Yeah, we're not ready for this, 570, because that's the one that we're discussing on Thursday. And on 538, there's supposed to be a— what's supposed to be on the back of this, Diane? The prices for the various paints. Okay, thank you.

6/02/2009

Anybody else have a comment?"

Councilman Dunleavy: "Are we going to do anything about the one bid?"

Supervisor Cardinale: "On 538, I would like to not pass this until we find out if there was only one bid, why we shouldn't go out to bid and get more than one bid to make the people honest. So maybe we could table that, John, if we would.

Yeah, are you just standing there or do you have something to say?"

Rick Hanley: "No, I have something to say actually."

Supervisor Cardinale: "Good. Now make it good."

Rick Hanley: "On 565- "

Supervisor Cardinale: "Yes."

Rick Hanley: "Which is the change to the hamlet center."

Supervisor Cardinale: "Yes."

Rick Hanley: "I'd just like to draw the board's attention to that. Remember, Phil, we had a discussion about that minimum lot size?"

Supervisor Cardinale: "Yes."

Rick Hanley: "I did that work. It really should read 80,000 square feet instead of 40."

Supervisor Cardinale: "Okay. So that's on 108-B would be 80 because that's the surrounding. Is that correct?"

Rick Hanley: "That's correct."

Supervisor Cardinale: "Eighty instead of forty. Okay, thank you. Ray, did you have a comment?"

Ray Dickoff: "Ray Dickoff, NF Management. The comments on the Summerwind project, it's resolution 532."

Supervisor Cardinale: "Right."

Ray Dickoff: "I came to the town board I guess two months ago with this project and I met with them and I told them what the county required as far as fee waivers to take place for the county to put the subsidies into this project.

6/02/2009

I met with the Supervisor in his office and you agreed then that you would go ahead with the fee waivers. Then at a public work session that everybody was notified of, I attended with Commissioner of Economic Development Skip Heaney; the director of Affordable Housing, Jill Rose Nickeloff (phonetic); and the Long Island Housing Partnership."

Councilwoman Blass: "Do you have your cell phone on maybe?"

Ray Dickoff: "And the Long Island Housing Partnership. At the end of that work session, the papers referred to it as a love fest. Everybody got along real good and the fees are going to be waived.

Skip Heaney and Jill Rose Nickeloff being true to their word, scheduled an appointment with the County Executive on the 26<sup>th</sup>. They brought the project to the County Executive and he gave the nod to move forward with the project based on what was said at that meeting.

Sometime in between the 26<sup>th</sup> and today, this resolution was written. I don't know if it was written at a work session or in a closed door situation in some back room.

But I want to know, you know, what exactly is going to happen with this and if you plan on calling the county and telling them that you're going back on the decision that was made that day."

Supervisor Cardinale: "To begin with, we certainly want the project to proceed. However, and the-- this was prepared by legal. The meeting we had discussed a waiver of fees.

It did not discuss a specific amount and I believe one of the things that was discussed with Mr. Heaney there and with Mr. Kent who I just spoke to before I walked in here was a waiver of half of the fees related to the median income housing project.

If the county expresses a desire for us to do more, despite the fact that we have other, as you know there are other criteria that we have passed in our statutes inviting median income housing and to our downtown, I think this board would do it.

But my understanding as I left the meeting honestly was that they were very happy with our taking some action in regard to a waiver of fees and that the waiver of one-half of the fees associated with the median income portion of the housing project would be-- median income housing would be adequate.

6/02/2009

If they insist that it has to be a full waiver, I assure you that the board will do it.

I spoke to Chris Kent as recently- the chief deputy, at 1:30 and he indicated- I asked him, call me if you have any- if there's any concern, he didn't evidence any concern. So if you want us to table it, we'll table it but that's what I understood when we discussed it."

Ray Dickoff: "It's not what I understood."

Supervisor Cardinale: "Okay. What was your understanding of what fees were to be waived because, again, if we waive fees-- "

Ray Dickoff: "You were going to waive the building fees. That's what was decided."

Supervisor Cardinale: "We were going to waive-- your understanding is we were going to waive all the building fees."

Ray Dickoff: "The building permit fees you were going to- "

Supervisor Cardinale: "Including on the retail portion?"

Ray Dickoff: "As discussed with us. I've already paid \$10,000. That \$10,000 was going to be applied to the commercial end of it and the 52 work force housing units were going to be-- the fees were going to be waived."

Supervisor Cardinale: "So 100% on the residential and you would pay on the retail, of course."

Ray Dickoff: "Yes."

Supervisor Cardinale: "We may- we may just have- I don't honestly- "

Councilwoman Blass: "I think we- "

Supervisor Cardinale: "I don't honestly remember the resolution of that meeting except that I knew we weren't waiving all of the fees. I then told legal to prepare a resolution. That's what I got. And when the board members asked me what was your recollection, I said I recollected we were going to waive a portion of the fees."

What you're saying is you believe a portion of the fees the county wishes us to waive is 100% of the median income housing building permit fees, right?"

6/02/2009

Ray Dickoff: "Yes."

Supervisor Cardinale: "And- but you'll pay the retail. If that's the case, I just have to- I mean I'd be very glad to support that as long as that is the understanding. That's why I called Mr. Kent to ask him."

Councilwoman Blass: "And I called Mr. Heaney and asked him specifically."

Supervisor Cardinale: "Well- "

Councilwoman Blass: "Prior to your calling Mr. Kent because that's why you did that."

Supervisor Cardinale: "Right."

Councilwoman Blass: "Because I went in to you and I said I don't believe this resolution which I had only heard of at that time, I hadn't seen but I had only heard of- "

Supervisor Cardinale: "Do we know what amount we're talking about here? What is your building permit fees?"

Ray Dickoff: "We don't have the fees yet."

Councilman Dunleavy: "He hasn't submitted his plans yet."

Supervisor Cardinale: "And the county is considering your matter on the 23<sup>rd</sup>, right?"

Ray Dickoff: "It goes to the legislature on the 23<sup>rd</sup>. Yes."

Supervisor Cardinale: "Okay. We intend to do what we promised to do. I just don't remember what the promise was, honestly. I know it wasn't full, it was- but you're saying it was 100% of the median and you pay the other, you pay the- "

Ray Dickoff: "And we were going to apply the fee that I already paid- "

Councilwoman Blass: "And transfer it to the balance due on the commercial. Yes. I think those are fairly easy amendments that we could make to this resolution, if we could do that."

Supervisor Cardinale: "If that is what occurred, I'm perfectly happy to support it."

Ray Dickoff: "Thank you."

Supervisor Cardinale: "Yes, next comment, please."

6/02/2009

Erin Chester: "Hi. Erin Chester, public safety dispatcher. I was reading what you guys have wrote for the referendum coming up in November regarding the public safety dispatchers and I was kind of hoping for some kind of reconsideration for the way it is worded.

Nine hundred and fifty thousand dollars seems like a very ominous number for somebody who doesn't know how to break down the numbers per resident in the town of Riverhead.

I think it's really only fair to include in on that a break down of how many residents or how much it would be per tax bill within the town of Riverhead as well as the possibility of if it gets voted no, that we don't remain in Riverhead, if the function would ever be reconsidered if the police department starts to crumble.

Because the way it's worded, really doesn't sound like it would be considered to return at a later date if it doesn't work out."

Councilman Wooten: "I agree with you (inaudible)."

Erin Chester: "It really- just the way it reads, anybody who reads it, you know, I'm not at the same position as you guys are in the way I read it looks like if people vote no for it, it doesn't look like, you know, two years down the line if you guys realize it's not working out, that the function is never going to return to Riverhead. It actually looks more like well, the function is not going to return to Riverhead so, hey, we might as well get rid of everything. That's a question that might raise in a lot of residents' minds."

Supervisor Cardinale: "The- this again was also prepared through legal and they have to get this accepted by the board of election, but do you have- if I look at the attachment, it says the public referendum- the question that will be on the public referendum would be: should the town of Riverhead add the sum of \$950,000 to the 2010 town budget and succeeding town budgets through the collection of taxes from Riverhead taxpayers to retain the town of Riverhead safety dispatch function, a function that Suffolk County is legally required to provide for which it currently taxes Riverhead taxpayers.

You said that- once it- it's clear that any board could make a decision to re-- to fund it again because we can't control future boards.

What we really want to know from the public is do you want us to put \$950,000 back into the budget for 2010 in order to support it that year.

6/02/2009

If you have any suggestion- what I would suggest- if you have any suggestions as to language, I would be glad to consider them as long as legal clears it but we need to see the suggestions."

Erin Chester: "Okay. I can work on that as well. A major suggestion of mine is to at least somewhere within that referendum is break it down per dollar amount in each taxpayer's bill, tax bill by tax bill, approximately how much it costs.

The past resolution I think you mentioned it was like 27,000 within the town tax bills that you get, I think it works out to be like 30 something dollars per tax bill."

Councilman Wooten: "I think that's coupled with the fact that this number also has a lot of police overtime and stuff."

Erin Chester: "Right."

Councilman Wooten: (Inaudible)

Erin Chester: "Oh, I understand that. I understand that. But it's still the breakdown, if that's what you're putting into the budget, then it should only be fair for the residents- I mean \$950,000 is a very ominous number. If you break it down, it would be at least- even into an approximate gross number per household just on average."

Supervisor Cardinale: "All right."

Erin Chester: "Thirty-three, thirty-five dollars per household."

Supervisor Cardinale: "If you could propose some language to add to the 950, we'd be glad to consider it.

Let's table this so you can submit it to the legal department and I think there's 16,000 households so if there's 16,000 parcels I mean- tax parcels. So if you said that each tax parcel, you can divide it, it comes out to a dollar figure but the addition to the budget is going to be 950 if we're going to carry it."

Erin Chester: "And also I do also think it would be fair to the public to really try to work on how much the town of Riverhead is being taxed, even if it's all the towns and villages that have their own dispatch function if you hand out that number that are being doubled taxed by Suffolk County Police Department- by Suffolk County."

6/02/2009

Supervisor Cardinale: "The board of election will allow us to put a question on but the debates surrounding the question is a function of advertising during the period, you know, between September and November, that-- and so they're not going to allow us to put things that are arguments. They just want the issue.

Do I add it or do I not add it?"

Erin Chester: "Right. I think it would only be fair to the taxpayers here to have all of the information so they can make an educated decision."

Supervisor Cardinale: "Yeah, well I agree with you."

Councilman Dunleavy: "That's advertisement."

Erin Chester: "Between what we are paying for in Riverhead and the double tax that they're paying to the county."

Councilman Dunleavy: "That's advertisement. But the problem is the board of election will only let you put so much on the ballot so a lot of it goes to advertisement. Everybody has to get out and advertise for the passage of it or the defeating."

Erin Chester: "Even if in the advertisements, you know, hey you are paying this amount in your tax bill to the county. I think it breaks down to like two hundred and something thousand dollars for all the towns and villages, a little more than that. Because their budget is a three year budget.

But, you know, you want to take, even say Riverhead, jack it up a little, say Riverhead, 25% of all of the towns and villages in population. Well, this is how much is being paid out in the general fund from your tax dollars.

If you are going to keep publishing something in-- as advertisement, I think it would only be fair coming from the board what the dollar amounts are between what they're paying for in the county and what they're paying for in the town.

I think that would work out well-- "

Supervisor Cardinale: "I think that's interesting information. But, again, whether it can be included in the question is what is at issue. So propose your language and we'll hold it over so legal and the board can consider it."

Erin Chester: "Thank you."

6/02/2009

Supervisor Cardinale: "But we do have to do this within a specified period and we're getting close. Do you know the date?"

Councilman Dunleavy: "When is the date?"

Supervisor Cardinale: "We'd like to get- we need to get this done by the next- at the latest by the next session."

Councilman Dunleavy: "Well, she was supposed to take some language out of it, too."

Supervisor Cardinale: "Well, she's gone over it. She spent a lot of time on this. I didn't talk to her, she just gave it to me. Yes?"

Sean Walter: "Sean Walter, can I say candidate for Riverhead town supervisor now? I am speaking to you about the same resolution.

Phil, this is reminiscent of your- "

Supervisor Cardinale: "Would you address your remarks to the board, please, even though you are a candidate for supervisor."

Sean Walter: "This is reminiscent of the Suffolk Theater vote and what's going to happen. There's two things here that I would object to.

I don't think we should be removing the dispatchers from the town and I also don't think that we should put this for a public referendum.

With that being said, the minute you put the dollar figure here, the residents are just going to hone in on that dollar figure. They're not going to understand that the police dispatchers were always a function of the town, well not always but for a long period of time were a function of the town. And people are just going to look at it as they did with the Suffolk Theater.

I don't remember what the number was, \$1.4 million dollars, whatever it was, they're just going to look at the \$950,000 and vote it down.

So my thought is rather than scare them with a number that may not be defensible because you're talking about police overtime added into it, just put it in should the Riverhead taxpayers of Riverhead town fund the police dispatchers or something without the dollar figure. Because that figure in and of itself is going to cost the- cause the referendum to go down.

6/02/2009

And the other thing is if you look at it, it says should the town of Riverhead add the sum of \$950,000 to the 2010 town budget and succeeding town budgets. If you leave it in as worded, that's done. You're never having police dispatchers back. The succeeding town budgets has to come out.

And it's the same thing that happened with the Suffolk Theater. Once the Suffolk Theater was done, we had no choice but to sell it. We could never spend a dime on it again. And that's what you're doing here with this. If you put this on with the \$950,000 we will never have police dispatchers again. So I would- "

Supervisor Cardinale: "I think I got an opposite opinion on that but I agree with you that we wouldn't want that to be said. But the opposite opinion from legal was given that it does not bind- we cannot bind future boards."

Sean Walter: "Well, I disagree with that and I would take the- the only way to stop that would be to take the succeeding town budgets out and if you want to give it a fair shake, the board members should take the dollar figure out especially if it's not defensible and it doesn't look like it's defensible if you're talking about putting police overtime in it."

Supervisor Cardinale: "The- I believe the board of elections is going to require a figure as they- in order to make it a referendum that is not merely advisory."

Sean Walter: "Well, I don't think it has to have a figure because I think you can put it in as funded, keep the police dispatchers, but the reality is you don't have to do a referendum. Just continue the police dispatchers as we have them."

Supervisor Cardinale: "I think the people should- are smart and they should make this decision."

Go ahead, please."

Erin Chester: "Do I have to say my name again?"

Supervisor Cardinale: "No, go right ahead."

Erin Chester: "With Sean Walter's comment, if you're going to- if there's any possibility of taking the dollar amount out of the referendum, forming a committee to educate the public on exactly what function they have in Riverhead with the public safety dispatchers and what we offer the town, we're actually currently working on. And I'm more than willing to educate the public as far as what they're paying for and what the dollar amounts are paying for as well so that they're made aware."

6/02/2009

I would— hopefully you guys can also take that into consideration when figuring how to re-word the referendum as well. If we get the public education on what this is what you're getting, this is what you're paying for, the dollar amount, then maybe everybody can try and work together on figuring out exactly how not to confuse the public with a large dollar amount like that."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Next comment, please. This is only on the resolutions. Yes, go ahead."

Jodi Giglio: "Good afternoon, Mr. Supervisor, Members of the Board. Jodi Giglio as a taxpayer and as a candidate for Riverhead town council.

I am here to speak about Resolution #519 authorizing the settlement of the litigation with Grimes Contracting Co. Inc. as well as the plans of the ECDC Environmental LLC.

The resolution is authorizing the supervisor to sign a \$3.3 million dollar check over to Grimes Contracting Co. and I just had a few questions because this is pertaining to the landfill as you're aware and I would like the public to be aware of.

When the reclamation began it is my understanding that the entire reclamation was to cost approximately \$40,000,000. Am I correct?"

Supervisor Cardinale: "It was begun during the previous Republican administration and they bonded \$40,000,000."

Jodi Giglio: "Okay. So the original cost estimate in its entirety. When did we get through or when did we reach that dollar amount that it was supposed to be estimated for the completion? What percentage through the completion of the reclamation of the landfill did we realize that we've already spent what we budgeted for?"

Supervisor Cardinale: "You may want to check with accounting or with the engineering department on that."

Jodi Giglio: "Okay. Because I'm told that we are— that we completed approximately a third of the reclamation of the landfill before we realized that we had spent all of the money that we had estimated for the entire project. So I'm just, you know, in overseeing this project for the reclamation of the landfill, it just is baffling to me with my hard earned tax dollars that we have spent \$40,000,000 when we're a third of the way through and we just write

6/02/2009

checks for \$800,000 a month to this company and we don't know where we are with the project and with the reclamation."

Supervisor Cardinale: "Well, that's why we're in a lawsuit with our engineers because they were supposed to be advising us where we were and they were assuring us that we were towards the end. We stopped the project in order to ascertain through separate engineers where we were. And the rest is history. But I would like to know what you have to say about this budget resolution."

Jodi Giglio: "Okay. Well, I would like to know- "

Supervisor Cardinale: "You can make your general comments later, Jodi."

Jodi Giglio: "Okay. I would like to know how much was spent thus far for the landfill reclamation."

Supervisor Cardinale: "I would like you to address your comments to this resolution. If you have something to say about this litigation."

Jody Giglio: "Well, this resolution is another \$3.3 million dollars on another- on a total of what was it- \$56,000,000 that we spent on a project that was supposed to cost \$40,000,000 that we didn't even get through?"

Supervisor Cardinale: "No. Your numbers are incorrect. And- but let me ask you- let me indicate to you what this is about this resolution.

The- at the time the landfill project was stopped because the town board realized that they were not getting good engineering information, we did not pay all outstanding invoices because we were owed a- we thought we were owed an adjustment by the engineers.

The- we owed at that time \$3.3 million dollars which by the time this litigation was settled was \$4,000,000 we owed to Grimes and we did not dispute that debt. We owed \$4,000,000. We are settling that debt out for \$3.3 million dollars.

We are also having him waive all interest in the sand that he had at the site which was used to the advantage of the people of the town of Riverhead at a value of in excess of \$4,000,000.

Accordingly we feel that it's a good resolution for the town. We're getting a debt that we acknowledge of \$4,000,000 paid off for 3.3 and we're getting the use of \$4,000,000 worth of sand to reduce the landfill's capping cost.

6/02/2009

That's what is relevant to this resolution. Anything else you want to say about the landfill you are free to say but in the general comment section."

Jodi Giglio: "Okay. But so can I just ask you. Is all the information pertaining to the legal costs and the plans that were submitted and the engineer's reports, is all of that public record so we can go and see who the attorney of record was and exactly how much was paid for legal fees to— and, you know, Mr. Grimes saved— I guess he lost \$700,000 if was owed \$4,000,000 and we're only paying 3.3. But I'm just curious as to how much we spent in legal fees."

Supervisor Cardinale "Oh sure. You can find that out by asking our finance director and FOIL'ing it."

Jodi Giglio: "Thank you for your time."

Supervisor Cardinale: "Thank you, Jodi. Any other comment? If not, we'll consider the resolutions and then consider general comment.

Would you call them, please, Diane?"

Diane Wilhelm: "Okay, starting with Resolution 571."

Resolution #517

Councilwoman Blass: "This is an adjustment for the building department. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolutions #518

Councilman Dunleavy: "2009 town-wide road improvement project budget adoption. So moved."

Councilman Wooten: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

6/02/2009

Resolution #519

Councilman Wooten: "Authorizing the settlement of the litigation with Grimes Contracting Company, Inc. as well as the claims of ECDC Environmental L.C. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #520

Councilwoman Blass: "Grants the extension to special use permit petition of Ira Chernoff - professional office rural corridor (RLC) zoning use district. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #521

Councilman Dunleavy: "Authorizes the Suffolk County Department of Health Services to place its mobile mammography van behind the culinary center. So moved."

Councilman Wooten: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #522

Councilman Wooten: "Authorization to discard fixed assets. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

6/02/2009

Resolution #523

Councilwoman Blass: "Authorization to discard fixed assets.  
So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes, Blass, yes; Cardinale,  
yes. The resolution is adopted."

Resolution #524

Councilman Dunleavy: "Authorizes notice of public hearing for  
the adoption of downtown historic guidelines. So moved."

Councilman Wooten: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale,  
yes. The resolution is adopted."

Resolution #525

Councilman Dunleavy: "Ratifies the appointment of a call in  
scorekeeper Level I to the Riverhead recreation department. So  
moved."

Councilman Wooten: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale,  
yes. The resolution is adopted."

Resolution #526

Councilwoman Blass: "Ratifies publication of notice to amend  
CDBG program. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale,  
yes. The resolution is adopted."

6/02/2009

Resolution #527

Councilman Dunleavy: "Rescinds Resolution #327 of 2009 and authorizes the reduction of site plan security of the Baiting Hollow Club. So moved."

Councilman Wooten: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #528

Councilman Wooten: "Authorizes the supervisor to execute amendments to existing memorandum of understanding for mutual aid with the Town of Southampton. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #529

Councilwoman Blass: "Authorizes the supervisor to execute consultant agreement with Convergent Technology Group. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "Just a comment that we have the attachment that describes the overtime rate and although the- I just find it interesting, we don't have one for the regular rate, just the overtime rate. It references it in the- "

Supervisor Cardinale: "I don't recall seeing this previously. I don't even know what this is. Does anyone- "

Councilman Wooten: "It says the hourly rate of 250."

Supervisor Cardinale: "But what- "

6/02/2009

Councilwoman Blass: "It says hourly but if you look at the second page, the price quote has only the overtime and it's a significant amount of money. Hopefully we'll never have to call these people in after hours."

Councilman Dunleavy: "I think they could say \$50.00 more than the overtime."

Councilwoman Blass: "Well it looks that way but what I'm saying is I don't know- "

(Inaudible discussion among the Board)

Councilwoman Blass: "But I'm looking at this and that only indicates overtime. I see that the agreement references both. My question is, if it references both why have an attachment for a price quote that only indicates one of the two? It was just a curious question because we never had a chance to read this before."

Supervisor Cardinale: "What is this?"

Dawn Thomas: "This contract does not reference that attachment. I think that's just (inaudible). Although I'd have to check who prepared it in my office."

Supervisor Cardinale: "Okay. So Convergent Technology Group wants to be hired by the town and wants us to pay them 250 an hour during normal business hours and 300 if they have to come out other than 8:30 to 4:30. What are they doing?"

Dawn Thomas: "I think it's a wiring- "

Supervisor Cardinale: "And all services shall not exceed \$10,000. Why do we need these people?"

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Because this one we hadn't seen. Well, I think what we should do is discuss it before we pass it because I've never seen it."

Councilwoman Blass: "I've never seen it either."

Supervisor Cardinale: "So suggest the tabling."

Dawn Thomas: "It's time sensitive though."

Councilwoman Blass: "I think we have another one in here that has to do with- "

6/02/2009

Supervisor Cardinale: "Okay. The town attorney is going to try and get us some additional information on that one, 529. Do you want to put it aside and we'll keep going."

Okay, want to call 530? She's going to see if she can get some information on 529, otherwise we'll come back to it and perhaps table it. I may have— there may be a special associated with the Thursday afternoon work session because we do not have anything on TDR today because we weren't ready. So if that's the case, we can put this on Thursday afternoon."

Resolution #530

Councilman Dunleavy: "Supports and endorses an application of the Riverhead BID Management Association to Suffolk County for downtown revitalization grant funding. So moved."

Councilman Wooten: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #531

Councilman Wooten: "This ratifies the supervisor's execution of a consultant/professional services agreement with Data Path, Inc. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #532

Councilwoman Blass: "Resolution approving reduced building permit fees related to the site plan of Summerwind. So moved."

Supervisor Cardinale: "Okay. Discussion on the amendments."

Councilman Dunleavy: "Are we going to amend this?"

Councilwoman Blass: "Yes. But don't we usually second it and then discussion."

Supervisor Cardinale: "Moved and seconded. Discussion on the amendments."

6/02/2009

Councilwoman Blass: "Discussion on the amendments. If we look to the second page, okay, I think we should- "

Supervisor Cardinale: "You want to make it 100%-- "

Councilwoman Blass: "Yes. But there is- I'm just trying to see how many places- "

Supervisor Cardinale: "Well, there's one on the Whereas, the 50 on the last Whereas should be 100."

Councilwoman Blass: "And then the therefore be it resolved, we should have 100% and I think we should end the sentence after work force housing units if we're not apportioning anything other than that. That the building permit shall- 100% reduction of that portion of the fees related to construction of work force housing units, period."

Supervisor Cardinale: "Yes. There is a period there, right?"

Councilwoman Blass: "No. It goes on or apportioned such that fees reflect a 50% reduction of building permit fees for the work force housing units."

Councilman Dunleavy: "You're saying that twice."

Councilwoman Blass: "Yes, we're saying it twice. Just put a period after the first work force housing units and delete the rest of that sentence."

Supervisor Cardinale: "Yes. Up to the housing units at the third line, third word down and the rest comes out."

Councilwoman Blass: "And then I think the rest is okay."

Supervisor Cardinale: "Okay. Very good."

Councilman Wooten: (Inaudible)

Councilwoman Blass: "I think that takes care of it. Did we- actually that's a good point. Did we want to acknowledge in this resolution that we are transferring the- already we received building permit fees for the prior construction- prior project to be applied to the commercial- "

Councilman Wooten: "We should do that."

Supervisor Cardinale: "That's the intention."

6/02/2009

Councilwoman Blass: "Right. But we don't say it here. We should say it in here I would think."

Supervisor Cardinale: "What happens if you don't? Don't you apply it anyway? If you have a building permit on a piece that- "

(Inaudible comment)

Supervisor Cardinale: "But on the 10,000 that was paid for the initial project, you didn't do any work, did you?"

(Inaudible comment)

Supervisor Cardinale: "And you got the fee. And then there was a demolition, too. So was that a separate permit? Okay.

So what we're going to do is put something in here that says that there will be a credit given for the building permit fee on such and such tax map."

Councilwoman Blass: "To the commercial- the retail space. Yes."

(Inaudible comment)

Councilwoman Blass: "Are we having a special on Tuesday- Thursday?"

Supervisor Cardinale: "Yes. Would you like to- "

Councilwoman Blass: "I just want to make sure we get the wording accurate."

Supervisor Cardinale: "All right. Okay."

(Inaudible discussion)

Supervisor Cardinale: "Do we know what the building permit fee number is? No, no. I'm talking about the one that you want credited."

Councilwoman Blass: "Ninety-eight hundred?"

Supervisor Cardinale: "What was the tax map number, Ray? Do you know what- 80-6.3 so the one that it was on, 600-128-6-81.3. Okay so 600-128- why don't you just get the number and we'll put it aside and we'll say the payment under that shall be credited against the commercial- that due under the commercial."

Resolution #533

6/02/2009

Councilman Dunleavy: "Authorization to publish advertisement for supplies for South Jamesport dock boardwalk improvements. So moved."

Councilman Wooten: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #534

Councilman Wooten: "Authorizes the town clerk to publish and post notice to bidders for quick lube maintenance for the Riverhead water district. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #535

Councilwoman Blass: "Authorization to reject and republish advertisement for sporting goods for the town of Riverhead. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #536

Councilman Dunleavy: "Authorization to publish advertisement for snack vendor services for the town of Riverhead. So moved."

Councilman Wooten: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #537

6/02/2009

Councilman Wooten: "Why do I get all of these? Awards bid for lubricants. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #538

Councilwoman Blass: "Motion to table Resolution 538"

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded to table to consider at the work session, 538. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is tabled."

Resolution #539

Councilman Dunleavy: "Awards bid for janitorial supplies. So moved."

Councilman Wooten: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #540

Councilman Wooten: "Approves Chapter 90 application of Peconic Bay Medical Center, 2009 Candlelight Ball. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #541

6/02/2009

Councilwoman Blass: "Approves the Chapter 90 application of Larry's Lighthouse Marina for a boat show. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #542

Councilman Dunleavy: "Approves Chapter 90 application of Church of the Harvest for a community day. So moved."

Councilman Wooten: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #543

Councilman Wooten: "Approves the Chapter 90 application of Clubhouse of Suffolk Inc. for the 2<sup>nd</sup> annual Long Island Kayakathon. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #544

Councilwoman Blass: "Ratifies the approval of the Chapter 90 application of Timothy Hill Children's Ranch for a flower sale. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #545

6/02/2009

Councilman Dunleavy: "Sets salaries for 2009 summer personnel for the recreation department. So moved."

Councilman Wooten: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, abstain; Cardinale, yes. The resolution is adopted."

Resolution #546

Councilman Wooten: "Ratifies the appointment of a call in scorekeeper Level I to the Riverhead recreation department. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #547

Councilwoman Blass: "Ratifies the appointment of beach attendants/concession stand operators to the recreation department. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #548

Councilman Dunleavy: "Appoints lifeguards to the recreation department. So moved."

Councilman Wooten: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #549

6/02/2009

Councilwoman Wooten: "Appoints summer program leaders to the recreation department. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #550

Councilwoman Blass: "Appoints summer recreation aides to the recreation department. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #551

Councilman Dunleavy: "Appoints a beach manager Level I to the recreation department. So moved."

Councilman Wooten: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #552

Councilman Wooten: "Ratifies the reappointment of seasonal pump out boat operators to the police department. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #553

6/02/2009

Councilwoman Blass: "Ratifies the appointment of seasonal pump out boat operators to the police department. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes, Cardinale, yes. The resolution is adopted."

Resolution #554

Councilman Dunleavy: "Ratifies the reappointment of seasonal traffic control officers in the police department. So moved."

Councilman Wooten: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #555

Councilman Wooten: "Ratifies the appointment of a law intern to the town attorney's office. So moved."

Supervisor Cardinale: "Okay. We need to table this for further consideration I'm told by the town attorney. Can we have a motion to table, please?"

Councilman Wooten: "I move to table 555 which ratifies the -- "

Councilwoman Blass: "Second to table."

Supervisor Cardinale: "Moved and seconded to table. Vote please."

The Vote: "Wooten, yes, to table; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution has been tabled."

Resolution #556

Councilwoman Blass: "Appoints a student intern to the office of town hall operations. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

6/02/2009

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #557

Councilman Dunleavy: "Ratifies contingent appointment of a Justice Court Clerk to the Justice Court. So moved."

Councilman Wooten: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #558

Councilman Wooten: "Appoints a part time homemaker to the seniors program. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #559

Councilwoman Blass: "Ratifies the authorization for the town clerk to publish and post a help wanted ad for maintenance mechanic II in the building and grounds division. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, no; Blass, yes; Cardinale, no. The resolution is not adopted."

Resolution #560

Councilman Dunleavy: "Ratifies the transfer of a maintenance mechanic II in the building and grounds division of the engineering department to the position of an automotive equipment operator in the highway department. So moved."

Councilman Wooten: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

6/02/2009

The Vote: "Wooten, no; Dunleavy, no; Blass, yes; Cardinale, yes. The resolution is not adopted."

Resolution #561

Councilman Wooten: "Authorizes the town clerk to publish and post a help wanted ad for a part time kennel attendant. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #562

Councilwoman Blass: "Adopts a local law amending Chapter 46A entitled architectural review of the Riverhead town code. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, no; Dunleavy, no; Blass, no; Cardinale, yes. The resolution is not adopted."

Resolution #563

Councilman Dunleavy: "Adopts a local law entitled local law to change the term of office of town superintendent of highways from 2 years to 4 years. So moved."

Councilman Wooten: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, no; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #564

Councilman Wooten: "This adopts a local law entitled local law to change the term of office of town supervisor from 2 years to 4 years. So moved."

6/02/2009

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, no; Dunleavy, no; Blass, yes; Cardinale, yes. The resolution is not adopted."

Resolution #565

Councilwoman Blass: "Authorizes the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, Hamlet Center (HC) zoning district. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten."

Councilman Wooten: "This is as amended to 80,000 square feet. Yes."

The Vote (Cont'd.): "Dunleavy, yes; Blass."

Councilwoman Blass: "I will support the public hearing notice and the public hearing but I don't support the amendment. Yes."

The Vote (Cont'd.): "Cardinale, yes. The resolution is adopted."

Resolution #566

Councilman Dunleavy: "Authorizes the town clerk to publish and post a public notice for a local law to consider amendments to Chapter 73 entitled Landmarks Preservation of the Riverhead town code Article IV alteration, demolition or new construction affecting landmarks or historic districts."

Councilman Wooten: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #567

Councilman Wooten: "Authorizes the town clerk to publish and post a public notice for a local law to consider amendments to

6/02/2009

Chapter 108 entitled zoning of the Riverhead town code, Article XXXI open space conservation district. So moved."

Councilwoman Blass: "And seconded, with a question."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "Did we table the last one? If you recall we had a hearing and we were— we needed the companion resolution and we were waiting for code revision to come up with a companion amendment which was this.

I just want to make sure there isn't something already on the table that we need to quash at some point, but— "

Supervisor Cardinale: "I don't know. This came out of code revision."

Councilwoman Blass: "I would just ask the clerk if at some point she finds a tabled resolution, that we would have to deal with it, but I second. I'm sorry, I don't know where we were."

Supervisor Cardinale: "Yes. Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #568

Councilwoman Blass: "Motion to table Resolution 568."

Councilman Dunleavy: "And seconded. I think this is time sensitive."

Councilman Wooten: "Yeah, I think this has to be posted— I think we've got about five weeks."

Councilman Dunleavy: "Okay."

Supervisor Cardinale: "Table."

Councilman Wooten: "I vote yes."

Diane Wilhelm: "Are we ready for the vote?"

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes to table. The resolution has been tabled."

Resolution #569

6/02/2009

Councilwoman Blass: "Resolution opposing the county of Suffolk introductory resolution #1438-2009 seeking to amend the provisions of the drinking water protection program set forth in the county charter. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #570

Councilwoman Wooten: "I'd like to move to table Resolution 570."

Councilwoman Blass: "Second to table."

Supervisor Cardinale: "Moved and seconded to table, 570."

Diane Wilhelm: "Are you ready to vote?"

Supervisor Cardinale: "Yes."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution has been tabled."

Resolution #571

Councilwoman Blass: "Motion to pay bills."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Diane Wilhelm: "And we have Resolution 572 (inaudible)."

Resolution #572

Councilman Dunleavy: "Awards bid for annual materials and asphalt procurement contract. So moved."

Councilman Wooten: "I'll second."

Supervisor Cardinale: "Moved and seconded. Vote please."

6/02/2009

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Dawn Thomas: "The answer to the question on 529 is that the Convergent Technology Group is being retained on an on call basis by our IT department for the purpose if necessary of talking with them. They're experts in our (inaudible) here for our computer system, our network system, and in connection with the move, they wanted to have the group on call to answer hyper-technical questions they might have and the data password for our- this is wiring the police department or the computer cable, police department and town hall. (Inaudible)."

Councilwoman Blass: "So I could make a motion on 529."

Councilman Wooten: "It's already been moved and seconded."

Diane Wilhelm: "Oh, so we're just simply waiting to go. Okay."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. Resolution 529 is adopted."

(Some inaudible discussion)

Supervisor Cardinale: "Leroy, what is the building permit number? Do you have it? What's the permit number?"

Councilwoman Blass: "Not the actual permit number we didn't ask you for. We asked him the fee."

Supervisor Cardinale: "Fine. All right. So why don't you add the building permit fee of 9836 paid at Suffolk County tax map 128-6- 86.3 shall be credited against building permit due- building permit fee due."

(Some inaudible discussion)

Supervisor Cardinale: "Why don't we move it and second it, start at the beginning."

Diane Wilhelm: "Are we ready for Resolution 532?"

Councilman Dunleavy: "We did move it, it was under question."

Councilwoman Blass: "Yes. But I think to make it cleaner- "

Resolution #532

6/02/2009

Councilman Blass: "Resolution approving the reduced building permit fees related to the site plan of Summerwind as amended. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted as amended."

Supervisor Cardinale: "All right. That concludes the resolutions before us. If there's any other comment, we'd like to take it and then adjourn."

Sal Mastroapolo: "Sal Mastroapolo, Calverton. Wading River creek parking lot. Is there any plans to do anything to raise the level at least in the sluice area or low area. I was there over the weekend and it was high tide and you literally couldn't drive into the parking lot because that sluice was flooded with water. If you had a four wheel drive pickup you can get in, but with a car you couldn't."

Supervisor Cardinale: "We've asked our engineer staff, Sal, a lot of times to devise a resolution, a solution. We've asked outside people. They can't. And the reason they can't is they can't get the DEC permits. Why? Escapes logical comprehension."

Sal Mastroapolo: "Okay. Next question. How are we doing on accessory apartment applications?"

Supervisor Cardinale: "I haven't gotten- anybody here have a most recent figure? I stopped- if no one else does I can tell you. I stopped in at their last meeting and they were not very busy. I commended them for their efforts, that their quality of review was not- should not be- could not be higher but they don't have anything much to review.

We're going to look at this again. I am told we've made some changes trying to make it easier for people to apply. If there's no applications, let's see, we're going through the second- the quarter will end July 1<sup>st</sup>. I'm going to look at it during the summer and recommend that we take over the duties so as to not have to have that board."

Councilman Dunleavy: "I think Leroy is here. He can say something on this."

Supervisor Cardinale: "Applications, Leroy, do you have any figures."

6/02/2009

Leroy Barnes: (Inaudible comment)

Supervisor Cardinale: "Okay, thank you. So we're up to- we have 10 with three approved. We're now 14 with 10 approved."

Sal Mastroapolo: "Okay. A piece of property with an accessory apartment, it still remains a one family, it's coded as one family?"

Supervisor Cardinale: "Yes, except for purposes of waste (inaudible)."

Sal Mastroapolo: "So we do double the fee for garbage?"

Supervisor Cardinale: "Yes."

Councilwoman Blass: "It's not a double but it's a multiplier. It's not a double."

Leroy Barnes: (Inaudible comment)

Sal Mastroapolo: "Okay. And one other comment. The woman before on the Riverside Drive comment where she gave you the numbers for traffic in May and November."

Supervisor Cardinale: "Yes."

Sal Mastroapolo: "If you're going to compare numbers, you've got to compare them on the same day of the same month at the same hour. Because in May you've got all the golfers going through there and in November you have no golfers going through there so a comparison should be same day, same month, same time."

Councilman Wooten: "Agreed."

Councilman Dunleavy: "I agree."

Supervisor Cardinale: "Thank you. Next comment."

Martin Sendlewski: "Good afternoon, Martin Sendlewski, Riverhead Business Alliance. I have a policy question to ask the town board."

At one of the previous meetings there was a discussion about a ruling that came against the town and the town was appealing the ruling. There was a statement made that it's automatic that the town appeals.

6/02/2009

Does that mean that the policy is is that it's automatic that the town attorney files a notice of appeal at which point the town board would decide by a majority whether or not an appeal is actually going to happen or is it the policy of this board to automatically appeal and spend taxpayer money on every ruling that goes against the town? Which is it?"

(Some inaudible discussion)

Supervisor Cardinale: "The former is probably closer to the policy although there is no strict policy. We have an executive session, we meet as you know every week with our counsel on litigation and we take what she wants to say. But you generally will file a notice of appeal and then consider whether to appeal.

The point I think that we determined as a matter of policy is that if we are going to appeal, there's no necessity for other- for anything other than a discussion in executive session.

If we are going to abandon the appeal and no go forward, then we would require a vote of the town board."

Martin Sendlewski: "Do you think that's a little backwards though? Do you think you should just file the notice of appeal and then the town board should then have to vote and say, yeah, I want to appeal this decision. Don't you think it's a little backwards? I mean- "

Supervisor Cardinale: "In effect, we are- no, because we do discuss it at the executive session, the pros and cons of appealing. The only issue was that came up a while back was if you- do you have to when you decide to appeal pass another resolution? No, you don't. But if you decide not to appeal then we pass another resolution because we want to state to the public why we're abandoning the position they spent money on below in their defense of whatever they were defending.

For example, I'll leave it at that. But I can imagine a lot of places where you might want to pull the appeal."

Martin Sendlewski: "It just seems to me that if I was- in my private business, if I have an attorney and they file a notice on my behalf, I should be the one that tells them that they have to then go ahead and pursue the appeal, not also then get an attorney's bill down the road, they say, well, we automatically file unless you tell us not to."

Supervisor Cardinale: "That's what happens. We talk to the town attorney as to whether or not we should appeal on every matter but the only ones that we're not going to- you know we're not going

6/02/2009

to appeal when we pass a resolution saying we're not going to appeal. Otherwise, you can assume that we're appealing."

Dawn Thomas: (Inaudible comment)

Supervisor Cardinale: "Because we're changing our position if we indicate-- and this is on the advice of counsel that that is the most coherent way to do it because a resolution is passed to express the change in position that all the majority of the board agrees with from commencing the litigation to begin with that we're not going to proceed with it.

So we discuss every one. We do not appeal every matter. Those that we do not appeal, we pass a resolution saying we chose not to appeal."

Martin Sendlewski: "Is it unanimous then or is there a way that-- I mean if the public were to ask how many people favor this appeal versus don't, is there a way to find that out?"

Supervisor Cardinale: "Yeah. Oh, favor it."

Martin Sendlewski: "In other words-- "

Supervisor Cardinale: "That's an interesting point. No, there could be discussions in executive session that say-- there's no votes, we can't vote. But we argue the pros and cons."

Martin Sendlewski: "Because you're actually spending taxpayer money so I think the taxpayers should know who's pursuing certain appeals and who's not."

Dawn Thomas: (Inaudible comment)

Supervisor Cardinale: "The resolution-- the town attorney has devised this system and we could discuss at length whether we should pass more resolutions either way. Maybe that's not a bad idea, to pass a resolution if you're going to go to appeal or if you're not going to go to appeal.

But the point she's making is when you start the resolution-- her position is when you start the-- you have a resolution to commence the litigation and that litigation continues until completed unless it's stopped by a resolution to stop it. And we do do that."

Martin Sendlewski: "Right. But that first notice of appeal after a ruling is automatically done by the town attorney. You don't say, well, we want to appeal this one. It's automatic."

Supervisor Cardinale: "That's correct. Because there's a timeframe. It has to be done within 30 days."

6/02/2009

Martin Sendlewski: "Right. But I'm saying that just makes it too easy where we appeal everything and when somebody feels like they, you know- "

Councilman Wooten: "Well, doing a notice of appeal doesn't mean that you appeal."

Martin Sendlewski: "I know that. What I'm saying is there are a lot of people who would like to know how many appeals are being put forth and by what members of the board feel that it's necessary to appeal something that a judge says, hey, this property owner is right. There's no need to, you know, I mean the judge says I've looked at it, I think the property owner is right. I'm going to protect the property owner's property rights and rule that way and you say, well, let's appeal that anyway. I mean that's, you know, because (inaudible)."

Councilman Wooten: "(inaudible) because it's an executive thing so you do have very lively discussions but it doesn't come down to a one on one vote. It's a consensus that the- "

Supervisor Cardinale: "The right of appeal is a valuable right."

Councilman Wooten: "And really to me, personally, it comes down to what was the merits of the case to begin with. Why were we in litigation and whether we still hold true to that same- "

Martin Sendlewski: "Okay. I was just thinking that it would be nice if there was a way to find out what- it should almost be like at the 30 day point a yes or no resolution either way. Then this way it's clear. You know, this way make it, before the 30 days the town board has to make a motion and vote either yes or no, appeal or don't appeal, and this way the public sees where you stand on appeals for certain rulings by you know judges and whatnot that some people may find unnecessary."

Councilman Wooten: "Being in law enforcement my whole life, judges aren't always right either."

Supervisor Cardinale: "Thank you. Yeah, next comment, please."

Patricia Holland: "Patricia Holland, Northville. I just need to know what the vote was on Resolution 559."

Supervisor Cardinale: "What was the vote? The town clerk will advise."

6/02/2009

Patricia Holland: "Yeah. Publish and post help wanted for a maintenance mechanic."

Supervisor Cardinale: "That did not carry. It was 2 to 2."

Councilman Dunleavy: "I was no."

Patricia Holland: "I know 560 didn't go but 559 didn't either? Okay."

Supervisor Cardinale: "Both of those were 2 to 2."

Patricia Holland: "Okay, thank you."

Supervisor Cardinale: "Thank you."

Councilman Wooten: "560 didn't go because 559 didn't go."

Supervisor Cardinale: "Yeah. We'll work it out at the work session."

All right, if there's not another comment, I'm going to adjourn the meeting and thank you for your attendance."

Meeting adjourned: 4:30 p.m.